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FACILITATION COMMITTEE  
28th session  
Agenda item 19

FAL 28/19  
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**REPORT OF THE TWENTY-EIGHTH SESSION OF THE  
FACILITATION COMMITTEE**

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## **1 GENERAL - ADOPTION OF THE AGENDA**

### **Introduction**

1.1 The Facilitation Committee held its twenty-eighth session from 30 October to 3 November 2000 under the Chairmanship of Mr. L. Barchue (Liberia). The Vice-Chairman, Mr. W. Tieman (Netherlands), was also present.

1.2 The session was attended by delegations from the following Member Governments:

ALGERIA	MALAYSIA
ANGOLA	MALTA
ARGENTINA	MARSHALL ISLANDS
AUSTRALIA	MEXICO
BAHAMAS	NETHERLANDS
BANGLADESH	NIGERIA
BELGIUM	NORWAY
BRAZIL	PANAMA
CANADA	PERU
CHILE	PHILIPPINES
CHINA	POLAND
COLOMBIA	PORTUGAL
CUBA	REPUBLIC OF KOREA
CYPRUS	ROMANIA
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA	RUSSIAN FEDERATION
DENMARK	SAUDI ARABIA
EGYPT	SINGAPORE
ESTONIA	SPAIN
FINLAND	SWEDEN
FRANCE	SYRIA
GERMANY	THAILAND
GHANA	TUNISIA
GREECE	TURKEY
INDONESIA	UKRAINE
IRAN (ISLAMIC REPUBLIC OF)	UNITED KINGDOM
ITALY	UNITED REPUBLIC OF TANZANIA
LEBANON	UNITED STATES
LIBERIA	VENEZUELA

and the following Associate Members of IMO:

HONG KONG, CHINA  
MACAU, CHINA

1.3 The session was attended by representatives from the United Nations and Specialized Agencies:

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

by observers from the following intergovernmental organizations:

EUROPEAN COMMISSION (EC)  
LEAGUE OF ARAB STATES  
INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)

and by observers from the following non-governmental organizations in consultative status:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)  
INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)  
INTERNATIONAL UNION OF MARINE INSURANCE (IUMI)  
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)  
PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION  
CONGRESSES (PIANC)  
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)  
THE BALTIC AND INTERNATIONAL MARITIME COUNCIL (BIMCO)  
INTERNATIONAL ASSOCIATION OF CLASSIFICATION SOCIETIES (IACS)  
INTERNATIONAL CARGO HANDLING CO-ORDINATION ASSOCIATION  
(ICHCA)  
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)  
INTERNATIONAL FEDERATION OF SHIPMASTERS' ASSOCIATIONS (IFSMA)  
INTERNATIONAL ROAD TRANSPORT UNION (IRU)  
INTERNATIONAL ASSOCIATION OF DRY CARGO SHIPOWNERS  
(INTERCARGO)  
WORLD NUCLEAR TRANSPORT INSTITUTE (WNTI)  
INTERNATIONAL HARBOUR MASTERS' ASSOCIATION (IHMA)

1.4 On behalf of the Secretary-General, Mr. E. E. Mitropoulos, Assistant Secretary-General/Director, Maritime Safety Division, welcomed the participants and, first of all, emphasized the importance of the Committee's work on stowaways, the significance of which had, once again, been highlighted by the considerable number of incident reports received. Based on the consideration of the report of the ad hoc correspondence group and the relevant reports received, the Committee, at this session, was expected to decide how the stowaway problem, which had become a heavy burden to ships and crews and on the shipping industry as a whole, might be resolved.

Mr. Mitropoulos informed the Committee that the amendments to the Annex to the FAL Convention relating to illicit drug trafficking; arrival, stay and departure of ships; passengers, crews and cargo and the use of EDI, adopted by FAL 27, were due to enter into force on 1 January 2001, as planned, in accordance with article VII of the Convention.

With respect to other facilitation activities, he referred to FAL seminars, organized by IMO in Barbados, the Dominican Republic, Malta, Panama and Lebanon with funds provided by the Government of the Netherlands and the Technical Co-operation Fund. With the successful conclusions of these activities, the current projects on facilitation of international maritime traffic had all been successfully completed.

Mr. Mitropoulos identified the use of electronic data interchange messages for the clearance of ships and cargo as another important item on the Committee's agenda, under which the Committee would continue to consider ways to promote the use of EDI with the objective of harmonizing and simplifying procedures, including the development of an IMO FAL Compendium on facilitation and electronic business.

Another important issue for the Committee to tackle this week was the harmonization of ships' certificates. Mr. Mitropoulos recalled that, at the last session, the Committee had prepared an initial draft of sample ships certificates and grouping of relevant certificates and documents with a view to harmonizing and simplifying them. In further considering the issue, the Committee will take into account the comments of the MSC and MEPC and the advice of the Legal Office.

Turning to the Working Group on Ship/Port interface, he highlighted the continued assessment of the model course on the safe and secure packing of cargo transport units; the development of a manual on loading and unloading of solid bulk cargoes for terminal representatives; and the consideration of the issue of the availability of adequate tug assistance. Included in the SPI Working Group's agenda were the development of Guidelines for the training of port marine personnel, on the basis of the instructions given by the MSC, and the updating of the list of existing publications relevant to subject areas and topics relating to the ship/port interface.

Informing the Committee that so far only fifty of the required 105 acceptances of the 1991 amendments to the IMO Convention aiming at institutionalizing the FAL Committee had been received, he observed that this was not considered a satisfactory record nine years after the adoption of the amendments and therefore invited Member Governments to initiate action to accept them so that they could enter into force as early as possible, if they had not already done so.

In concluding, he referred to resolution A.900 entitled "Objectives of the Organization in the 2000s", adopted by the last Assembly, which reflected the Secretary-General's vision as to the areas on which IMO should mainly focus its attention during the new decade. Of all the subjects on which the Assembly had directed the Committees, under the co-ordination of the Council, to focus attention, he specifically mentioned the shifting of emphasis on to people; the effective uniform implementation of IMO standards, in particular the revised STCW Convention and the ISM Code; the development of a safety culture and environmental conscience; and the strengthening of the Organization's technical co-operation programmes and delivery on a priority basis.

He hoped that the Committee would play an important part in fulfilling these policies as well as the Assembly's request that Governments intensify their efforts to prevent and suppress such unlawful acts as illicit drug trafficking, illegal migration by sea and stowaway cases, all of which fell under the purview of the Committee.

1.5 In responding to Mr. Mitropoulos' remarks, the Chairman stated that his advice and requests would be given every consideration in the Committee's deliberations.

### **Credentials**

1.6 On behalf of the Secretary-General, the Director of MSD informed the Committee that all credentials presented to the session had been found to be in order.

### **Adoption of the agenda**

1.7 The agenda of the session, as adopted by the Committee, and a list of documents submitted under each agenda item, is given in annex 1.

## **2 DECISIONS OF OTHER IMO BODIES**

2.1 The Committee noted decisions related to its work taken at:

- .1 the twentieth extraordinary session of the Council (FAL 28/2);
- .2 the twenty-first session of the Assembly (FAL 28/2);
- .3 the forty-fourth extraordinary session of the Marine Environment Protection Committee (FAL 28/2 and FAL 28/12/1); and
- .4 the seventy-second session of the Maritime Safety Committee (FAL 28/2 and FAL 28/12/1).

2.2 The action taken by the Committee with respect to the above decisions is reported under relevant sections of this report.

### **Outcome of the twentieth extraordinary session of the Council**

2.3 The Committee noted (FAL 28/2, paragraphs 2 to 6) that the Council, at its twentieth extraordinary session, had approved the report of the Committee on its twenty-seventh session and endorsed the Secretary-General's proposals, including, *inter alia*, agreement to the number of meeting weeks proposed by the Committee.

### **Outcome of the twenty-first session of the Assembly**

2.4 The Committee (FAL 28/2, paragraph 7) noted that the twenty-first session of the Assembly had approved the reports of the Committee on the twenty-sixth and twenty-seventh sessions.

## **3 CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC**

### **Status of the Convention**

3.1 The Committee noted that, since its twenty-seventh session, the Republic of Lithuania (FAL 28/3) and Bangladesh had acceded to the Convention with effect from 25 January 2000 and from 21 September 2000 respectively, thus bringing the total number of Contracting Governments to 85.

3.2 In expressing its appreciation to the Governments of the Republic of Lithuania and Bangladesh, the Committee urged those Member Governments, which had not accepted the Convention, to consider doing so as soon as possible in order to assist the Organization's efforts to facilitate international maritime traffic.

3.3 The Committee noted information provided by Belgium on the establishment of a National Facilitation Committee.

#### **4 CONSIDERATION AND ADOPTION OF PROPOSED AMENDMENTS TO THE ANNEX TO THE CONVENTION**

The Committee noted that no amendments to the Annex to the Convention had been proposed for formal adoption at this session and considered future amendments under agenda item 7 (General review of the Convention).

#### **5 EDI MESSAGES FOR THE CLEARANCE OF SHIPS**

5.1 The Committee, at its last session (FAL 27/19, paragraph 5.2), considered a proposal by the Netherlands (FAL 27/5) on the development of a compendium, containing simple message descriptions for the respective FAL Form, EDI messages and application guides ready for implementation, for publication by IMO as a recommended practice for replacing FAL documents by EDI messages, agreed to re-establish the EDI correspondence group with the terms of reference, as set out in FAL 27/19, paragraph 5.2. The Committee had also agreed that the EDI Correspondence Group should further develop the BERMAN message as far as possible intersessionally.

5.2 The Committee considered the report of the correspondence group (FAL 28/5) on IMO Compendium on facilitation and electronic business and approved the Compendium (FAL 28/5, annex) for circulation as FAL.5 circular and further instructed the Secretariat to publish it as an IMO publication.

5.3 The Committee further considered the correspondence group's report (FAL 28/5/1) on the development of uniform electronic messages for the arrival, stay and clearance of ship, persons and cargoes and the document submitted under agenda item 7 by Australia (FAL 28/7/2), proposing development of an electronic facility for verifying that a ship has a valid register, evidence of payment of light dues and a load line and various other safety certificates to obtain a customs clearance for a ship to depart a port, which would form part of the General Declaration.

5.4 The Committee agreed to re-establish the EDI Drafting Group under the chairmanship of the Netherlands to:

- .1 prepare an associated FAL.5 Circular on the approved IMO Compendium on facilitation and electronic business;
- .2 prepare a strategy to promote the use of electronic means to exchange information with the objective of harmonizing and simplifying procedures taking into account documents FAL 28/5/1 and FAL 28/7/2;
- .3 prepare relevant Terms of Reference for the intersessional Correspondence Group to consider further the issue of information and communications technology matters relating to E-business in shipping; and
- .4 define clearly the proposal for a focal point for E-business matters within IMO.

5.5 Having received the report of the Drafting Group (FAL 28/WP.5), the Committee took action as indicated in the ensuing paragraphs.

5.6 The Committee approved:

- .1 FAL.5/Circ.14 on IMO Compendium on Facilitation and Electronic Business;
- .2 the strategy document to promote the use of EDI (annex 2); and
- .3 the Terms of Reference for the Correspondence Group\* (annex 3).

5.7 The Committee was of the opinion that at present it was not practicable to establish a focal point for E-business matters within the IMO Secretariat, and that the relevant issues could provisionally be handled by the intersessional Correspondence Group. The intersessional Correspondence Group would make wide use of the Internet leading to a so called virtual focal point. It was suggested that the IMO Secretariat investigate the most efficient way of exchanging information via the Internet.

5.8 With regard to the proposal by Australia (FAL 28/7/2), the Committee was of the opinion that the current procedure for granting clearance for a departing ship should be examined, and recommended that electronic means to deal with this procedure where applicable should be introduced. Secondly, to further simplify arrival procedures, where a country currently requires to sight a departure clearance from a previous port of call, this practice should be reviewed to assess whether it could be eliminated.

Australia also informed the Committee about its intention to submit an information paper identifying the need of the shipping industry for the adoption of electronic reporting and clearance processes covering requirements of all public authorities.

### **The use of International Standards in the Maritime Data Exchange Process**

5.9 The Committee noted the information provided by the United States on the use of International Standards in the Maritime Data Exchange Process (FAL 28/INF.5) and also expressed appreciation for the comprehensive presentation made by ISO on the topic.

## **6 APPLICATION OF THE COMMITTEE'S GUIDELINES**

6.1 The Committee, recalling that, at its last session (FAL 27/19, paragraph 6.4), it had revised the Committee's Guidelines on the organization and method of its work, noted that the Guidelines had been subsequently circulated as FAL.3/Circ.179.

6.2 The Committee urged Member Governments and international organizations to apply the Guidelines appropriately and to bring them to the attention of their representatives to IMO

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\* Co-ordinator of the Correspondence Group:

Mr. A.A. de Lijster  
Senior Advisor,  
Royal Association of the Netherlands' Shipowners (RANS)  
P & O Nedlloyd B.V.  
P.O. Box 240  
3000 DH Rotterdam  
The Netherlands

Tel: 3110 4006947  
Fax: 3110 4006187  
E-mail: Lijster@tip.nl



meetings advising them to adhere to them. The Secretariat was also instructed to strictly observe the Guidelines.

6.3 The Committee further invited Member Governments and international organizations to submit, to the next session, comments and/or proposals on the Guidelines with a view to improving them for the purpose of further rationalizing the work of the Committee.

## **7 GENERAL REVIEW OF THE CONVENTION**

7.1 The Committee recalled that, at its twenty-sixth session (FAL 26/19, paragraph 7.2), Germany had proposed to facilitate the FAL Convention, namely to:

- .1 modernize and bring it up to date with today's shipping industry requirements;
- .2 possibly change its direction towards a Port Safety Convention;
- .3 establish a working group on the revision of the Convention in the near future; and
- .4 convene a conference at an appropriate time to review the Convention in the future.

Germany was invited to submit a written, substantive proposal to the next session in accordance with the Committee's Guidelines as a basis for further discussion on this issue. However, such a proposal was not materialized at FAL 27.

7.2 Germany (FAL 28/7/1), recalling their delegation's concern expressed at FAL 26 over the limited value of the FAL Convention for the changed and modernized shipping industry of today due to the fact that the Convention was not globally implemented, and further referring to the on-going discussions of the World Trade Organization (WTO), which, in their view, is going far beyond the scope and concept of the FAL Convention and influencing the future work of the Committee, proposed that the work of the Committee should be slowed-down in order to avoid overlapping of activities and duplication of efforts in the two organizations and that the Committee should consider meeting only once per biennium and also reducing the duration of each session to half a week, e.g. two-and-a half or three days.

7.3 The delegation of the Netherlands observed that, after the breakdown of the WTO Ministers' Conference in Seattle in December 1999, it was expected that a new start would be made in 2001 and decisions concerning a new item, such as trade facilitation for the next round, had not yet been taken. During 2000, there had been two informal meetings on trade facilitation, both attended by the IMO Secretariat, as a consequence of the Netherlands' intervention and subsequent to the Committee's decision at the last session. IMO and other international organizations had been requested to present a document on their work on Facilitation to avoid undesirable overlap of activities in this field (see also paragraph 14.3).

The Netherlands' delegation expressed the view that, since IMO was dealing with the matter of facilitation of maritime traffic and WTO with the facilitation of trade, IMO's work should be complementary to WTO, IMO covering the maritime part (like ICAO covers the aviation part of the traffic) and that, therefore, the Committee should not slow down its work but, instead, continue as per its work programme.

7.4 Following many interventions supporting the view of the Netherlands, the Committee agreed that there should be no slow-down in its work and that, instead, it should continue its

dialogue with WTO and, in parallel, encourage Member Governments to become party to the FAL Convention and accept the 1991 Amendments to the IMO Convention aiming at institutionalizing the FAL Committee.

7.5 The Committee requested, and the Chairman undertook to prepare, in consultation with interested Governments and the Secretariat, a strategic review of the work of the Committee, taking into account technological and other developments in the area of international maritime traffic and to make recommendations on any work to be done to bring the FAL Convention and the work of the Committee up-to-date. The review should also contain recommendations on how the Committee could face the challenges of the future in its area of competence. Member Governments and FAL Contracting Parties were invited to contribute to the preparation of the review\* in time for submission, to the next session of the Committee in early 2002.

#### **FUTURE AMENDMENTS TO THE CONVENTION**

7.6 The Committee agreed to consider the document submitted by Australia (FAL 28/7/2) under agenda item 5 (see paragraph 5.3).

7.7 The Committee recalled that, at its last session (FAL 27/19, paragraph 7.12), it had instructed the Working Group on Amendments to consider the remaining priority 2 draft amendment to the Annex to the FAL Convention regarding the use of pre-shipment inspections (PSI), and any consequential amendments for the introduction of Dangerous Goods Manifest.

7.8 The Committee considered the report of the Working Group (FAL 28/7) and:

- .1 agreed to delete the priority 2 draft amendment on pre-ship inspection;
- .2 agreed to delete the reference to the Dangerous Goods Declaration as FAL Form 7 in Appendix 1 to the Convention, as this document was only relevant to commercial entities;
- .3 agreed that the Dangerous Goods Manifest should now be referred to in the Annex to the Convention as FAL Form 7;
- .4 instructed the Secretariat to promulgate this change of Form numbers by a FAL Circular; and

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\*

Mr. Lawrence D. Barchue, Sr.  
Liberian Permanent Mission to the International Maritime Organization  
Dean Bradley House  
52 Horseferry Road  
London SW1P 2AF  
Tel: + 44 (0)20 7976 0725  
Fax: + 44 (0)20 7976 0726  
E-mail: 100631.656@compuserve.com

- .5 instructed the Secretariat to develop a revision to FAL.2/Circ.51 on Dangerous Goods Manifest, taking into account the editorial suggestions and to seek clarification from the DSC Sub-Committee on the need to retain the Voyage Number and Master's Name on the form, for circulation to Member Governments and international organizations.

7.9 The Committee approved draft amendments to Section 2 of the Annex to the FAL Convention, as set out in annex 4, for circulation in accordance with article VII(2)(a) of the Convention with a view to adoption at the next session.

#### **INFORMATION SUBMITTED ON IMPLEMENTATION OF INDIVIDUAL PROVISIONS OF THE ANNEX TO THE CONVENTION**

7.10 The Committee considered the summary tables of a compilation (FAL 28/7/3) of notifications submitted by Contracting Governments on differences between national practices and Convention Standards intended to assist Member Governments to identify those Standards which may need reviewing because of the significant number of "differences" notified, and to encourage Members to review their differences. The Committee noted the annex to FAL 28/7/3 constituted Indexes I and II of Appendix 6 of the sales publications of the FAL Convention, as amended.

7.11 The Committee instructed the Secretariat to include the annex to FAL 28/7/3 in Appendix 6 of the publication of the FAL Convention with the next print.

#### **PREVENTION AND SUPPRESSION OF UNLAWFUL ACTS AT SEA OR IN PORT: FACILITATION ASPECTS**

##### **Piracy and armed robbery against ships**

7.12 The Committee, noting (FAL 28/2, paragraph 9) that in total, there were 309 incidents of piracy and armed robbery against ships in 1999, which was an increase of 47% over the figure for 1998, noted with concern that, during the period under review, 2 seafarers had lost their lives and another 11 had been wounded during attacks by pirates and armed robbers; that, in addition, 9 ships had been hijacked, 7 ships had gone missing and 1 ship had been destroyed and, therefore, the Committee once again invited Governments of flag, port and coastal States and the industry to intensify their efforts to eliminate these unlawful acts.

7.13 The Committee (FAL 28/2, paragraphs 10 to 17) was informed of the completion of the anti-piracy project following expert missions, seminars and workshops to West and Central African countries and Indian Ocean countries, and particularly noted with concern the important feature identified in the Indian Ocean region that drug-related piracy might increase in future, unless a concerted effort is promptly undertaken by the countries concerned.

7.14 The Committee further noted the progress made and decision taken at MSC 72, particularly, on:

- .1 the development of a code of practice/instrument for the investigation and prosecution of the crime of piracy and armed robbery against ships (MSC 72/17/4);
- .2 the approval of MSC/Circ.967 on Directives for Maritime Rescue Co-ordinating Centres (MRCCs); and

- .3 the development of an Assembly resolution encouraging flag States to ensure that proper checks are made when registering a ship in order to reduce the number of "phantom" ships and hijackings.

7.15 The Committee instructed the Secretariat to keep the Committee updated on the piracy and armed robbery issue, as appropriate.

#### **Unsafe Practices associated with the trafficking or transport of illegal migrants by sea**

7.16 The Committee, at its last session (FAL 27/19, paragraph 7.20), noted that the first meeting of the UN Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime had agreed, in principle, that the relevant provisions of MSC/Cir.896 on Interim Measures for combating unsafe practices associated with the trafficking or transport of migrants by sea, should be incorporated, as far as possible, in the appropriate chapter for sea transport of the draft protocol being prepared.

7.17 The Committee had further noted the approval of the draft progress report, requested by the twentieth session of the Assembly in resolution A.867(20), in principle, supplement, as necessary, to reflect the outcome of MSC 71 as well as the results of the forthcoming UN Ad Hoc Committee meetings for submission to the twenty-first session of the Assembly.

7.18 The Committee was informed by the Secretariat that the twenty-first Assembly (A 21/5(b)/2, paragraphs 34 and 35), having noted the progress report on unsafe practices associated with the trafficking or transport of migrants by sea:

- .1 endorsed the contents of MSC/Circ.896 on Interim Measures for combating unsafe practices associated with the trafficking or transport of migrants by sea and recommended it to Governments for appropriate action; and
- .2 renewed its mandate to the Secretariat to continue monitoring developments concerning the subject matter and to report to the MSC as appropriate.

7.19 The Committee was further informed that the UN Ad Hoc Committee, at its eleventh session (2 to 27 October 2000), during the final reading of the revised draft Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, approved, *inter alia*, chapter II thereof on "Smuggling of migrants by Sea" (on 11 October 2000). It reflects the relevant provisions of MSC/Circ.896, pursuant to the request of IMO to take its work on the Interim guidelines into account.

7.20 The Committee further noted that the Convention against Transnational Organized Crime together with the three protocols has now been finalized for submission to the UN General Assembly for adoption in November 2000 and the official signing ceremony in Palermo (Italy) in December 2000. The final text of the migrants protocol will be submitted to MSC 74.

7.21 The Committee instructed the Secretariat to keep the Committee informed of further developments on this matter, as appropriate.

## **PREVENTION AND CONTROL OF ILLICIT DRUG TRAFFICKING: FACILITATION ASPECTS**

7.22 The Committee, at its last session (FAL 27/19, paragraph 7.25), was informed of the progress made on the implementation of the facilitation project for the Caribbean region, which covers the Guidelines for the prevention and suppression of the smuggling of drugs, psychotropic substances and precursor chemicals on ships engaged in international maritime traffic (resolution A.872(20)).

7.23 The Committee considered the follow-up plan on the progress made in the implementation of the Kingston Workshop recommendations and the Guidelines under agenda item 13 (Technical co-operation subprogramme for facilitation).

## **8 FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF SHIPS**

### **Implementation of the Standardized IMO Model FAL Forms**

8.1 The Committee considered the extent of implementation of the standardized FAL Forms by 54 Contracting Governments and Associate Members (FAL 28/8) and was informed by the Secretariat that updated information had been provided intersessionally by Malta and the United Kingdom (FAL.2/Circ.60).

8.2 The delegation of Hong Kong, China informed the Committee of the status of implementation of IMO FAL Form 7 in Hong Kong, China, which is “3” – National form based on IMO Form.

8.3 The delegation of the Russian Federation advised that the Russian State Customs Committee adopted in September 2000, a Provisional Regulation on Clearance of Ships and Cargo in the Russian ports. The above regulation envisages the application of FAL Forms 1 - 6. Moreover by the order of the Minister of Transport of the Russian Federation from 4 March 2000 the Crew List format was officially adopted in line with FAL Form 5.

8.4 The delegation of Singapore informed the Committee that Singapore does not routinely require every vessel coming into Singapore to submit documents listed under the FAL Form No.1 to 6. Even in selected instances where one or more of these documents have to be submitted, a fixed format for their submission except for the Ship's Stores Declaration is not prescribed. The latter has to be submitted on a prescribed form (C&E 117).

8.5 The Committee urged Member Governments, who have so far not responded to the request for information, including information on the status of implementation of the new IMO FAL Form 7 (Dangerous Goods Manifest), to do so at their earliest convenience.

8.6 The Committee noted that the EC (FAL 28/INF.4) had prepared the legislation proposal to introduce more uniformity to the ship's arrival and departure forms in the EU ports, intending to use the IMO FAL Forms in all EU Member States.

## **9 FORMALITIES RELATED TO CARGO - FACILITATION ASPECTS OF THE MULTIMODAL TRANSPORT OF DANGEROUS GOODS**

### **Facilitation aspects of the multimodal transport of dangerous goods**

The Committee, noting that the issue of the dangerous goods manifest had been finalized at the last session (FAL 27/19, paragraphs 7.10 to 7.12), and no document had been received under this item at this session, agreed that this agenda item should not be included in the agenda for the next session but be retained in the long-term work programme.

## **10 FORMALITIES CONNECTED WITH THE ARRIVAL, STAY AND DEPARTURE OF PERSONS - STOWAWAYS**

10.1 The Committee, at its last session (FAL 27/19, paragraph 10.4), noting with concern the considerable amount of stowaway incident reports submitted by Member Governments and international organizations, agreed that a regular reporting on a quarterly basis was needed, including more information, particularly on the experience gained with the implementation of the Guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases (resolution A.871(20)) and approved the revised reporting format (FAL.2/Circ.50/Rev.1). Member Governments and international organizations were urged to continue submitting incident reports on a monthly basis to the Secretariat, so that a quarterly list of incidents and a statistical analysis of the reports received for each calendar year on an annual basis can be issued. Member Governments were further invited to provide the Organization with a summary of their national legislation addressing stowaway incidents or current practices.

10.2 The Committee, at its last session, further agreed that the ICS document on possible ways for incorporating the provisions of the Guidelines in the Annex to the Convention (FAL 27/10), was a good basis for its further consideration towards the development of relevant binding provisions on this issue and established a correspondence group with the terms of reference as contained in annex 3 of document FAL 27/19.

10.3 The Committee noted with concern the considerable amount of stowaway incident reports submitted intersessionally, in accordance with the revised reporting format (FAL.2/Circ.50/Rev.1), by Belgium, Chile, Denmark, Ecuador, Norway, Hong Kong, China, BIMCO and ICS (FAL.2/Circ.58, 59, 61, and 62) and further noted the information contained in the annual statistics for the year 1999 (FAL.2/Circ.63).

10.4 The Committee further noted with appreciation the information submitted by Belgium (FAL 28/INF.11), Chile (FAL.2/Circ.62), Denmark (FAL 28/INF.7), Greece (FAL 28/INF.10), Norway (FAL 28/INF.14) Sweden (FAL 28/INF.11) and Hong Kong, China (FAL 28/INF.2, INF.8 and INF.13) on national legislations or current practices addressing stowaway incidents.

10.5 The delegation of the United States acknowledged and commended Hong Kong, China, on actions they are taking regarding human smuggling, as detailed in document FAL 28/INF.13.

10.6 The Committee agreed that confusion should be avoided between cases involving stowaways and cases of "human smuggling", as presented in document FAL 28/INF.13, the prevention of which should be sought through different methods.

10.7 The Committee considered the statistical information circulated under the FAL.2 circular series. In particular, the Committee took note of the preparation of the quarterly circulars

containing the details of the cases involving stowaways (FAL.2/Circ.61) and the annual statistics for the year 1999 (FAL.2/Circ.63).

10.8 The Committee noted that most of the reports forwarded to the Secretariat did not allow the preparation of statistics on the location of stowaways when found onboard ships and on the main reasons why the disembarkation failed, and that the identification of the ships was often made difficult in the absence of the IMO Ship number.

10.9 The Committee considered whether statistics on the number of cases where stowaways could be repatriated to the country of embarkation and on the ports where stowaways could be disembarked should be circulated. The Committee agreed that statistics on successful cases of repatriation would be necessary but that statistics showing ports where stowaways were successfully disembarked could act as an incentive and should not, therefore, be produced.

10.10 The Committee considered the report of the correspondence group (FAL28/10) and noted that the number of stowaway cases had not declined since the Committee's last meeting and the continuing high number of stowaway incidents indicates that measures taken in ports and on board ships to prevent stowaways gaining access to ships ought to be strengthened. The Committee concurred with the view of the Group that the Guidelines are not strong enough on the prevention of stowaway cases and therefore the reduction of stowaway cases has not occurred.

10.11 The Committee noted that the Group reviewed statistics showing that half of the stowaways involved were not nationals of countries parties to the FAL Convention and that one-fourth of the ports where stowaways went on board ships were not located in countries parties to the FAL Convention.

10.12 The Committee further noted that a new convention could be drafted in a more binding way than the FAL Convention, making it harder for Contracting Governments to make reservations. Amendments to the FAL Convention could, however, be adopted in a relatively short time, whereas the adoption of a new binding instrument for prevention and successful resolution of stowaway cases, was likely to take a considerable amount of time.

10.13 The Committee noted that the Group used some of the recommendations for preventing and suppressing piracy and armed robbery against ships contained in MSC/Circ.622/Rev.1 and MSC/Circ.623/Rev.1 in order to identify measures to prevent stowaways from boarding ships.

10.14 The Committee further noted that the Group found it essential and in the interest of all parties concerned that agreement should be reached as soon as possible on how to give effect to the Guidelines (Assembly resolution A.871(20)) in the quickest way. The majority of the group had therefore, while being aware of the problems in choosing this approach, indicated a preference for including stowaway regulations in the FAL Convention, as the best way of reaching a quick solution at this time. The Group, however, did not preclude the possibility that development of a new instrument might become necessary in the future.

10.15 The Committee, having considered the pros and cons of including stowaway regulations in the FAL Convention or developing a new binding instrument, decided in favour of amending the FAL Convention.

10.16 The Committee was informed by the representative of the United Nations High Commission for Refugees (UNHCR) about the existence of a conclusion endorsed by the

UNHCR Executive Committee, at its thirty-ninth session in 1988, on Stowaway Asylum-Seekers (Conclusion No.53 (XXXIX)).

10.17 The Committee considered the draft text on key elements for inclusion in the FAL Convention as contained in FAL 28/10, annex 1 in order to identify areas where further work was needed.

10.18 The Committee, when reviewing the draft text contained in FAL 28/10, annex 1, agreed that the definitions and paragraphs 1.1 to 4.1 needed slight redrafting, that paragraphs 5.1 to 6.3 should be thoroughly discussed and amended on the basis of the reservations expressed by many delegations and that the draft appendix 1 did not need to be amended.

10.19 The Committee also agreed that the new provisions to be included in the FAL Convention should be drafted in the form of standards when there was a general acceptance of such provisions but that the form of recommended practices should be preferred in cases where the adoption of standards would contradict significant number of existing national legislation.

10.20 The Committee agreed that the existing Guidelines (resolution A.871(20)) should be scrutinized at a later stage in order to strengthen its content and invited Member Governments and international organizations to submit proposals to strengthen the Guidelines to the next session.

10.21 The Committee concurred with the views expressed in favour of a partnership and shared responsibilities between port authorities and the industry in order to prevent and resolve stowaway cases.

10.22 The Committee agreed to establish a Working Group on Stowaways to:

- .1 redraft the definitions and paragraphs 1.1 to 4.1 contained in FAL 28/10, annex 1 according to the amendments discussed in plenary;
- .2 discuss and amend paragraphs 5.1 to 6.3 of FAL 28/10, annex 1, in the form of either standards or recommended practices taking into account the reservation and comments made in Plenary;
- .3 consider whether a reference to the Conclusion No. 53(XXXIX) endorsed by the UNHCR Executive Committee should be incorporated in the draft text of the new provisions on stowaways; and
- .4 prepare the draft text of new provisions on stowaways to be included in the FAL Convention in the form of a document to be directly submitted to the next session of the Committee or finalized by a correspondence group, for approval by the Committee at its next session.

10.23 On receiving the report of the Working Group (FAL 28/WP.3) the Committee took action as indicated in the ensuing paragraphs:

### **Amendments to the FAL Convention**

10.24 The Committee noted the efforts of the Group not to introduce any major changes to the initial draft text contained in FAL 28/10, annex 1.



10.25 The Committee also noted that the Group took into consideration texts provided by the representatives from the United States (e.g. Code of Federal Regulations, 8 C.F.R. § 241.11) and by the representative from the UNHCR (e.g. UNHCR Executive Committee's Conclusions on Refugees without an Asylum Country and Stowaway Asylum-Seekers (No. 15 (XXX) and No.53 (XXXIX)).

10.26 The Committee agreed to insert a footnote to paragraph 1.1 containing a reference to the non-binding UNHCR Executive Committee's Conclusion on Stowaway Asylum-Seekers (1988, No.53 (XXXIX)).

10.27 The Committee noted that the following reservations were made on the draft text for amendments to the Convention (FAL 28/WP.3, annex):

- .1 the delegation of Canada reserved its position with regard to paragraphs 6.3 and 6.4;
- .2 the delegation of China reserved its position with regard to paragraphs 1.1, 5.13 and 5.42;
- .3 the delegation of France reserved its position with regard to paragraphs 2.3.1, 5.1.2 and 6.3;
- .4 the delegation of Greece reserved its position with regard to paragraphs 1.1, 5.12, 5.13, 5.42 and 6.3;
- .5 the delegation of Portugal reserved its position with regard to paragraphs 5.42 and 6.3;
- .6 the delegation of Russian Federation reserved its position with regard to paragraphs 5.12 and 5.15; and
- .7 the delegation of Singapore reserved its position with regard to paragraphs 1.1, 1.2, 5.12, 5.13, 5.21, 5.41, 5.51 and 6.3.

10.28 Having considered the draft amendments to the Convention (FAL 28/WP.3, annex), the Committee approved them, as set out in annex 4, for circulation in accordance with article VII(2)(a) of the Convention with a view to adoption at the next session.

### **Harmonization of forms and notifications for the return of stowaways**

10.29 The Committee noting the difficulties experienced in the context of the return of stowaways and identified the lack of harmonization of national forms and notifications as a contributing factor, agreed to work towards the harmonization of these forms and notifications in the future.

10.30 The Committee further agreed that there would be a need to consider samples of the national forms and notifications prior to embarking on a work of harmonization.

10.31 The Committee invited Member Governments to submit for the next session models of their national forms and notifications used for the return of stowaways and decided that such information should be reviewed with the aim of preparing standard forms to be included in the FAL Convention.

10.32 The Committee urged Member Governments and international organizations to continue to report stowaway incidents and further urged Member Governments to provide the Organization with a summary of their national legislations addressing stowaway incidents or a summary of current practice, in accordance with FAL.2/Circ.50/Rev.1.

## **11 FACILITATION ASPECTS OF OTHER IMO FORMS AND CERTIFICATES - HARMONIZED REPORTING FORMAT**

### **Revised list of certificates and documents required to be carried on board ships**

11.1 The Committee noted that MEPC 44 and MSC 72 (FAL 28/2, paragraph 20) endorsed the draft FAL/MSC/MEPC/Circular on the Revised list of certificates and documents required to be carried on board ships, (MSC 72/2/3, annex 2), as amended to identify which certificates and documents are mandatory and those which are not mandatory, and its subsequent circulation as FAL/Circ.90/MEPC.368/MSC/Circ.946.

### **Harmonization of certificates**

11.2 The Committee recalled that, at its last session (FAL 27/19, paragraph 11.4), recalling the Secretary-General's opening remarks that the many various certificates presently required were causing problems and that perhaps the time had come for IMO to give serious consideration to the possibility of combining or even eliminating some of them, it had agreed that simplification and unification of the existing documents and certificates should be the aim, reducing their number, where possible.

11.3 The Committee recalled further that it had prepared an initial draft of a sample of ship's certificate and a grouping of relevant certificates and documents annexed thereto (FAL 27/19, annex 4) and agreed that this approach would serve a good basis for it to continue the consideration of the issue at this session. The Committee further instructed the Secretariat to inform the MSC and the MEPC of this development for their comments, contributions and endorsement and to seek the Legal Office's advice on any related legal implications.

11.4 The Committee noted that MEPC 44 (FAL 28/2, paragraph 18):

- .1 agreed that the Committee should continue considering the issue of harmonization of certificates, including certificates required under MARPOL 73/78 and associated codes, from the perspective of reducing red tape;
- .2 however, drew the attention of the Committee to some problems in its intended grouping of certificates that, as these certificates are regulated by the relevant conventions and codes separately and are binding on different Parties to different instruments, any combination of the certificates regulated by separate instruments might cause legal problems;
- .3 commented, in addition, that relevant conventions and codes would need to be amended if the certificates were to be simplified or combined; and
- .4 therefore, concluded that the practicability of such an exercise would need to be carefully examined by the Committee.

11.5 The Committee further noted that MSC 72 agreed that the Committee should continue considering the issue of harmonization of ships' certificates, with careful examination of the practicability of such an exercise, as pointed out by MEPC 44.

11.6 The Director, Legal Affairs and External Relations Division informed the Committee that she had no problems in principle with the idea of consolidating IMO certificates. She added that there were approximately thirty different SOLAS and fourteen MARPOL certificates and it would be a good idea to take the perspective to undertake a consolidation exercise; she stated, nevertheless, that in approaching this exercise, the Committee should be aware of certain legal constraints.

The issue, she said, was one of international treaty law requirements coupled with the fact that international law is based firmly on the notion of consensus. This meant, in practice, that States have a free choice as to whether to join any particular treaty regime. If they elect to do so, they are bound to put into effect all the obligations imposed by the treaty, including the carriage on board of certificates. By comparison, States which elect not to join a particular treaty regime are not bound by its provisions.

She noted that any exercise in consolidation of IMO certificates should take these factors into account. If it did not, States might well raise legal objections. The aim should therefore be to devise consolidated certificates which will apply to States already parties to the treaty regimes requiring those certificates.

She added that everyone knew of port State control measures and obliging non-State parties to have certain certificates when they entered into ports was an exceptional measure undertaken with particular reasons and they were quite valid measures but it would be abusing port State control in this situation, if there was an attempt to impose an obligation on all States to carry one large consolidated certificate which might be broken down into several different parts covering a variety of different treaty regimes.

She noted in this regard that any attempt to combine certificates across different treaty regimes (for example, a certificate encompassing both SOLAS and MARPOL) is better avoided. It would be a legally safer option to consolidate certification within the confines of each treaty regime. SOLAS be looked at within its own framework, MARPOL within its own framework and so on. However, even here, some caution was necessary. For example, many of the annexes to MARPOL were optional and States might not all be parties to each annex.

She stated that the Legal Office would be pleased to be consulted further by the Committee as the consolidation exercise progressed.

11.7 The Committee, having considered the matter at some length, established a Working Group on harmonization of certificates to:

- .1 consider the way forward to simplifying and reducing certificates, using document FAL 27/19, annex 4 as a basis and, taking into account the comments made in plenary; and
- .2 report to the plenary on Thursday morning.

11.8 Having received the report of the Working Group (FAL 28/WP.6), the Committee took action as indicated in the ensuing paragraphs.

11.9 The Committee noted that there are three options to consider:

- .1 produce one certificate for all conventions;
- .2 consolidate, simplify and unify certificates within the same convention; or
- .3 leave the certificates unchanged (if an attempt to harmonize them might introduce more problems).

11.10 The Committee agreed that in order to avoid any legal problems, which might occur if the certificates required under different conventions were combined, it would be prudent to pursue, for the time being, option number two, which would result in the following convention certificates:

- .1 Safety Certificate (SOLAS 74 and Protocol 78); and
- .2 Environmental Certificate (MARPOL 73/78).

11.11 The Committee, noting that the work related to the harmonization of certificates would require considerable time and effort, and in particular noting that in the year 2001 no session of the Committee is scheduled to take place, agreed to establish a Correspondence Group<sup>\*</sup> with the following terms of reference:

- .1 consider the possibility of simplifying and unifying existing documents and certificates, and reducing the number where possible;
- .2 continue the work intersessionally from the perspective of reducing red tape; and
- .3 while carrying out the work, take into account that these certificates are regulated by the relevant conventions and codes separately and are binding on different Parties to different instruments, and as such, any combination of the certificates regulated by separate instruments might cause legal problems.

11.12 The Committee urged Member Governments and international organizations with consultative status with IMO and with relevant experience:

- .1 to participate in the work of the Correspondence Group; and
- .2 to focus on consolidating, simplifying and unifying existing certificates and documents before considering the need for new ones,

and invited the MSC and the MEPC to do the same.

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<sup>\*</sup> Co-ordinator of the Correspondence Group

Mr. Paul Coley  
Principal Officer  
Survey Policy  
Maritime and Coastguard Agency  
Spring Place  
105 Commercial Road  
Southampton SO15 1EG  
UNITED KINGDOM

Tel.: +44 (0) 23 8032 9518  
Fax: +44 (0) 23 8032 9104  
E-mail: [paul\\_coley@mca.gov.uk](mailto:paul_coley@mca.gov.uk)

11.13 The Committee noted that the Group considered document FAL 27/19, annex 4, as a basic document and in considering the requirements related to *Passenger Ship Safety Certificate*, consolidated, simplified and unified the certificates and documents required under SOLAS 74 and Protocol 78. A sample of the *modified Passenger Ship Safety Certificate*, which incorporates the relevant provisions of the exemption certificate, minimum safe manning document, document of compliance, ISM safety management, and interim safety management certificates, and record of equipment for the Passenger Ship Safety Certificate (form P), is attached as annex 5, appendix 1. For comparison purposes and ease of reference, the unmodified versions of the individual certificates and documents are also attached as annex 5, appendix 2.

11.14 The Committee also noted that after having modified the Passenger Ship Safety Certificate, the Group continued the exercise of harmonization of certificates and documents and the outcome is reflected as annex 5, appendix 3.

11.15 In this context, the Committee, in noting that the next session of the Committee is scheduled in 2002, further instructed the co-ordinator of the Correspondence Group to continue with this exercise and submit the outcome to the Secretariat who will forward it to the next sessions of the MSC and the MEPC for their comments.

## **12 SHIP/PORT INTERFACE**

12.1 The Committee considered under this item the report of the SPI Working Group on its last session (FAL 28/12), the outcome of the relevant sessions of the MSC and MEPC relevant to the ship/port interface matter (FAL 28/12/1) and the notes by the Secretariat on updating of the bibliography (FAL 28/12/2) and assessment of model course on the safe and secure packing of cargo transport units (FAL 28/INF.3).

12.2 The outcome of the Committee's consideration on the issues raised by the above documents is reflected in the ensuing paragraphs.

### **REPORT OF THE LAST SESSION OF THE SPI WORKING GROUP**

12.3 The Committee recalled that, at its last session, it had received the SPI Working Group's report on urgent matters (FAL 27/WP.5), including the Working Group's work programme (FAL 27/WP.5, annex 3), and had taken action as indicated in its report (FAL 27/19, paragraphs 12.39 to 12.61). The Committee, recalling further that it had received an oral progress report by the Chairman of the SPI Working Group on the remaining issues at its twenty-seventh session, considered the report of the Working Group as set out in document FAL 28/12.

12.4 The Committee, having agreed to address the issues referred to in document FAL 28/12, paragraph 6.1, subparagraphs 1 and 2 under the relevant items, approved the report in general.

### **DECISIONS OF OTHER IMO BODIES, RELEVANT TO SHIP/PORT INTERFACE MATTERS**

#### **Implementation of IMO instruments and training requirements for cargo related matters**

12.5 The Committee noted that MSC 72 (FAL 28/12/1, paragraph 2) endorsed the Committee's action in deleting the item on "Implementation of IMO instruments and training requirements for cargo-related matters" from the SPI Working Group's work programme.

### **Safe loading and unloading of bulk carriers**

12.6 The Committee noted that MSC 72 (FAL 28/12/1, paragraph 3) agreed to amend the draft FAL/MSC circular on safety at solid bulk cargo terminals, prepared by FAL 27 (MSC 72/2/3, annex 3), as proposed by the Working Group on Bulk Carrier Safety at MSC 72, in order to bring attention to the relevant provisions of the BLU Code, and approved FAL/Circ.91/MSC/Circ.947 on safe loading and unloading of bulk carriers: Ship/terminal interface requirements for terminal operators.

### **Work Programme of the SPI Working Group**

12.7 The Committee recalled that, at its last session, it had approved the restructured work programme of the SPI Working Group as far as facilitation items were concerned (FAL 27/19, annex 8).

12.8 The Committee noted that MEPC 44 (MSC 72/2/2/Add.1, paragraph 9) approved, as far as marine environmental protection related items are concerned, the SPI Working Group's work programme with the deletion of the item on development of guidelines for the training of port marine personnel and invited the MSC to concur with this decision.

12.9 The Committee noted that MSC 72 (FAL 28/12/1, paragraphs 7 to 10), having considered the issue at some length, agreed to include that item in the work programme of the SPI Working Group, and approved as far as safety-related items were concerned, the Working Group's work programme (FAL 28/12/1, annex). MSC 72 further agreed that the future work of the SPI Working Group and its work method needed to be re-examined at a future session of the MSC, and invited Member Governments to submit relevant comments and proposals.

12.10 The Committee agreed to consider the future work of the SPI Working Group and its work method under agenda item 16.

#### **SUB-ITEM 12.1 - ASSESSMENT OF MODEL COURSE ON THE SAFE AND SECURE PACKING OF CARGO TRANSPORT UNITS**

12.11 The Committee, at its last session, noted that some parts of the proposed model course were still under development and that the assessment of those parts of the course produced would be reported to this session of the SPI Working Group, agreed to substitute the existing item on the Working Group's work programme to "Assessment of the Model Course on safe and secure packing of cargo transport units" with a target completion date of 2001 under the supervision of MSC only, as this would more accurately reflect the work already assigned to the SPI Working Group. MSC 72 (FAL 28/12/1, paragraph 4) endorsed the Committee's decision on this issue.

12.12 Noting that the final text of the model course was provided by Sweden (FAL 28/INF.3), the Committee expressed appreciation to Sweden and referred it to the SPI Working Group for consideration.

#### **SUB-ITEM 12.2 – UPDATING OF THE BIBLIOGRAPHY**

12.13 The Committee, noting that a revised list of existing publications relevant to the subject areas and topics relating to the ship/port interface was circulated by FAL.6/Circ.9 of 23 November 1999, referred document FAL 28/12/2 to the SPI Working Group and instructed it to continue updating the bibliography.

**SUB-ITEM 12.3 – AVAILABILITY OF ADEQUATE TUG ASSISTANCE**

12.14 The Committee noted the discussions in the Working Group on the issue of “Availability of Tug Assistance” and the request to provide guidance on how to proceed further with this matter (FAL 28/12, paragraph 6.1.1).

12.15 The Committee noted that MSC 72 (FAL 28/12/1, paragraph 5) had agreed that, before proceeding with any work on such a compendium, the SPI Working Group should study, in detail, the Nautical Institute's publication entitled "Tug use in ports - a Practical Guide," as well as any comments and proposals submitted by Member Governments and international organizations, and provide its advice to the MSC for consideration and appropriate action.

12.16 The Committee agreed with the view of MSC 72 and instructed the SPI Working Group to proceed with the matter as guided by the MSC.

**SUB-ITEM 12.4 – DEVELOPMENT OF A MANUAL ON LOADING AND UNLOADING OF SOLID BULK CARGOES FOR TERMINAL REPRESENTATIVES**

12.17 The Committee recalled that the SPI Working Group (FAL 28/12, paragraph 6.1.2), requested it to invite MSC to endorse the action taken by the working group in developing a model course or a manual on loading and unloading solid bulk cargoes for terminal representatives.

12.18 Noting that MSC 72 (FAL 28/12/1, paragraph 6) had agreed that a manual on loading and unloading of solid bulk cargoes for use by terminal representatives is better suited than a model course, and that it should be developed by the DSC Sub-Committee with the co-operation of the SPI Working Group, the Committee referred the matter to the SPI Working Group for detailed consideration.

12.19 The Committee agreed that the work conducted so far should not be lost and instructed the Working Group to review the course outline contained in FAL 28/12, annex 4, to establish its usefulness for the manual to be developed and to submit its recommendations to the DSC Sub-Committee through MSC 73.

**SUB-ITEM 12.5 – DEVELOPMENT OF GUIDELINES FOR THE TRAINING OF PORT MARINE PERSONNEL**

12.20 The Committee, at its last session (FAL 27/19, paragraphs 12.52 and 12.58), agreed that there was a need for the developing guidelines on minimum standards for the training of ports marine personnel and approved the inclusion of a corresponding item in the SPI Working Group's work programme, with the target completion date of 2002, under the supervision of MSC, MEPC and the Committee.

12.21 The Committee noted (FAL 28/12/1, paragraph 7) that MEPC 44 in considering the Committee's view that there was a need for recommended minimum standards for training and education of port marine personnel had not concurred with the Committee's intended action to develop guidelines on such minimum standards.

12.22 The Committee further noted that MSC 72, having considered the issue at some length, concurred with the Committee's view on the necessity of such guidelines and instructed the SPI Working Group to consider the matter in detail and submit a more definite proposal to the next session of the MSC; it also invited Member Governments to provide guidance directly to the

Working Group. The possibility of involving the STW Sub-Committee and international organizations such as UNCTAD, ILO and IAPH should be explored. MSC agreed to include an item on "Development of guidelines for the training of port marine personnel" in the work programme of the SPI Working Group.

12.23 The Committee, endorsing the instructions of MSC 72, referred the matter to the SPI Working Group for detailed consideration and requested it to identify the facilitation aspects in the more definite proposal to be developed.

### **Reconvening of the SPI Working Group**

12.24 The Committee reconvened the SPI Working Group under the chairmanship of Capt. H. J. Roos (Germany) and instructed it to:

- .1 consider the documents as referred to it above;
- .2 submit a report on urgent matters including its future work programme to the Committee on Thursday; and
- .3 give an oral progress report on the remaining issues and to submit the main report to FAL 29.

12.25 On receiving the SPI Working Group's report on urgent matters and its future work programme (FAL 28/WP.2, annex 2), the Committee approved the report in general, and, in particular, took action as indicated in the ensuing paragraphs.

### **Assessment of model course on the safe and secure packing of cargo transport units**

12.26 The Committee noted the actions taken by the Working Group including the amendments made.

12.27 The Committee further noted that the Working Group had recommended to MSC the adoption of the Model Course, subject to editorial improvements by the Secretariat in co-operation with IFSMA/IRU and the Chairman of the SPI Working Group, and the request to MSC to delete this item from their work programme.

12.28 The Committee expressed appreciation to Sweden for providing the necessary funds and for completing the Model Course.

### **Updating of the bibliography**

12.29 The Committee approved the amendments in annex 1 to FAL 28/WP.2 and instructed the Secretariat to issue a Corrigendum to FAL 6/Circ.9 as soon as possible.

12.30 The Committee further:

- .1 requested all organizations listed in FAL.6/Circ.9 to provide the Secretariat with an update on their publications including those publications considered obsolete and provide information in which languages they have been published;
- .2 instructed the Secretariat to update the list with regard to the IMO instruments contained in the circular; and



- .3 agreed that an appropriate article be published in IMO News giving a commentary on the list and publicity regarding its availability.

### **Availability of adequate tug assistance**

12.31 The Committee noted that no document had been submitted on this item and that the Working Group had considered only the Nautical Institute's publication entitled "Tug use in Ports – a Practical Guide", as no other assessment methods had been made available.

12.32 Noting that the representative of the Nautical Institute had advised that during the development of the guide, other assessment methods had been considered, the Committee agreed that the Nautical Institute publication, although originally directed at tug masters and pilots, was a useful and appropriate assessment method regarding tug assistance and that therefore no compendium was needed.

12.33 Considering the best way of promulgating the valuable advice contained in the publication, the Committee agreed, that in addition to urging Member Governments and appropriate international organizations to promote the use of the assessment methods for tug assistance and other advice contained in the publication, a circular highlighting the principal factors to be included in any assessment should be developed by the SPI Working Group at its next session.

12.34 Consequently, the Committee retained this item in the work programme of the SPI Working Group and invited the MSC and the MEPC to concur with this decision.

### **Development of guidelines for the training of port marine personnel**

12.35 The Committee noted the advise of the Working Group that, in addition to the reasons for the development of Guidelines for training of port marine personnel agreed to by Committee at its last session, the guidelines would:

- .1 provide a maritime career prospect as a whole, which would make seafaring more attractive and would facilitate also the recruitment of seafarers; and
- .2 give assurance to the shipping industry that there is an adequate level of competence available in every port, which would ensure that ships could enter, stay and leave a port safely and efficiently.

12.36 The Committee also noted that the Working Group could not develop a more definite proposal on the scope of work to be undertaken as it was not in the position to identify the full scope required because of lack of advice received from Member Governments and the industry.

12.37 The Committee further noted that the Working Group had proposed that the scope should be limited to port marine operation aspects only and that these might encompass the following areas:

- .1 pilotage
- .2 VTS
- .3 tug assistance services

- .4 mooring services
- .5 ship handling and manoeuvring
- .6 port passage planning
- .7 aids to navigation
- .8 conservancy including hydrography
- .9 marine Information Systems
- .10 pollution control
- .11 marine related emergency planning for ports
- .12 international law
- .13 commercial law
- .14 insurance

12.38 Having considered at length how to take this matter further, the Committee decided to establish a correspondence group with the Chairman of the SPI Working Group as a co-ordinator\* and the following terms of reference:

- .1 evaluate the areas listed in paragraph 12.37.above with regard to their relevance for such guidance, excluding areas 1 (pilotage) and 2 (VTS), as these have already been adequately addressed by the Organization and IALA;
- .2 if area 3 (tug assistance services) is considered to be of relevance, any work should be restricted to highlight necessary amendments to the STCW Code to cater for tug operations in ports;
- .3 develop a more detailed proposal with regard to contents of the guidance to be developed;
- .4 assign priorities to the areas identified; and
- .5 submit the outcome to the Secretariat through the co-ordinator by the end of June 2001, so that Member Governments and international organizations have adequate time to consider this issue and submit comments to the next session.

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\* Capt. Hans-Jürgen Roos  
Head, Nautic /Shipping Division  
Senator (Ministry) for Economy  
and Ports  
Kirchenstr. 4-5a  
28195 Bremen  
GERMANY  
Tel.: +49421 361 2310  
Fax: +49421 496 2310  
E-mail: [hjroos@hva.bremen.de](mailto:hjroos@hva.bremen.de)

## **Manual on loading and unloading of solid bulk cargoes for terminal representatives**

12.39 The Committee noted that the Secretariat had been requested by the SPI Working Group to submit the outcome of its deliberations, which will be reported to the next session, through MSC 73 to the next session of the DSC Sub-Committee.

12.40 The Committee encouraged Member Governments to send those members of the Working Group, who have participated in the work so far, also to the next session of the DSC Sub-Committee (16 to 20 July, 2001), to facilitate the development of the manual.

## **13 TECHNICAL CO-OPERATION SUBPROGRAMME FOR FACILITATION**

### **Priority sub-programme items for the biennium 2002 - 2003**

13.1 The Committee, at its twenty-sixth session, (FAL 26/19, paragraph 13.3) noting that the ITCP would be revised once every two years starting with TC 46 in November 1998, considered the ITCP sub-items and approved them (FAL 26/19, annex 6) for inclusion in the subprogramme for facilitation and further agreed on the two thematic priorities, FAL 3 and FAL 6 (see paragraph 13.2 below), for the biennium 2000 to 2001.

13.2 Noting that the ITCP for the biennium 2002 - 2003 will be considered at TC 49 (15 and 16 November 2000) for approval, the Committee reviewed the thematic priorities and agreed to include the following thematic priorities in the ITCP for 2002 - 2003, and instructed the Secretariat to inform TC 49 accordingly:

- FAL 3 Introduce and accept electronic data processing and interchange techniques based on Electronic Data Interchange Maritime (EDIMAR) standards to facilitate the clearance of ships, crews, passengers and cargo, effective port operation and vessels' turnaround.
- FAL 4 Promotion of the implementation of the IMO guidelines on the prevention of drug smuggling on ships engaged in international traffic (resolution A.872(20)) and guidelines on the allocation of responsibilities to seek the successful resolution of stowaway cases (resolution A.871(20)).
- FAL 6 Train personnel involved in ship/port interface activities with the aim of raising awareness and understanding of their responsibilities and improving communication and co-operation between all parties involved at the ship/port interface including administrations.

### **FAL Seminars**

13.3 The Committee noted (FAL 28/13, paragraphs 6 and 7 and FAL 28/INF.9 and 15) that in the year 2000, two subregional seminars were held in St. Michael, Barbados (20 to 23 June 2000) for the CARICOM countries and in Panama City, Panama (17 to 21 July 2000) for the ROCRAM countries respectively, funded by the Government of the Netherlands, and one national seminar was held in Beirut, Lebanon (11 to 13 January 2000) financed by the Technical Co-operation Fund. In addition, two subregional seminars were held in Malta (4 to 7 September 2000) for 4 selected Mediterranean countries and in the Dominican Republic (23 to 26 October 2000) for the ROCRAM-CA countries, financed by the Technical Co-operation Fund and by the Government of the Netherlands respectively.

13.4 The Committee expressed its appreciation to the Governments of Lebanon, Barbados, Panama, Malta and the Dominican Republic for hosting and to the Secretariat for organizing and successfully conducting 5 Facilitation seminars since the last session of the Committee.

13.5 The delegation of France stressed the need for evaluation and assessment missions to follow up the past FAL seminars in Africa. The Secretariat informed the Committee that such missions had already been included in the ITCP, subject to the availability to the funds.

13.6 The delegation of the Netherlands, supported by a number of other delegations, expressed satisfaction for the successful completion of the Facilitation projects funded by the Netherlands' Government and the TC Fund respectively, stressing the considerable assistance given to the relevant countries in the ratification and implementation process of the provisions of the FAL Convention. The full statement is reflected in annex 6.

### **New FAL technical co-operation project in the Latin America and Caribbean region**

13.7 The Committee, at its last session (FAL 27/19, paragraph 13.14), was informed of the progress made on the implementation of the facilitation project, jointly funded by the Government of the Netherlands and the United Nations Drug Control Programme, for the Latin America and Caribbean region, which also covers the Guidelines on the prevention and suppression of the smuggling of drugs and other substances on ships engaged in international maritime traffic. In the context of the illicit drug-related part of the project, the Committee further noted that a model course had been developed for the implementation of the IMO Guidelines and a pilot workshop had been successfully held in Kingston, Jamaica (29 June to 1 July 1999).

13.8 The Committee noted that three subregional seminars had successfully been held in Barbados, Panama and the Dominican Republic (see paragraph 13.3) in this year under the new FAL project.

13.9 The Committee further noted that in order to assess the progress made in the Caribbean region in matters of combating illicit drug trafficking, an evaluation and assessment questionnaire had been prepared by the Secretariat and sent to the relevant administrations of the participating countries to the Kingston Workshop in August 2000 for completion and that evaluation and assessment missions to the participating countries to the Workshop were planned in the fourth quarter of 2000, to follow-up the progress made and/or problems encountered in the implementation of the workshop recommendations (FAL 27/INF.11).

13.10 Furthermore a workshop based on the model course was planned to be held in Mexico for the Latin American countries in co-operation with the Organization of American States (OAS) funded by the TC Fund in early 2001.

13.11 The Committee expressed its appreciation to the Government of the Netherlands and the UNDCP for their efforts to make the project in the Latin American and Caribbean region possible.

## **14 RELATIONS WITH OTHER ORGANIZATIONS**

### **Facilitation activities in World Trade Organization (WTO)**

14.1 The Committee recalled that, at its last session, (FAL 27/19, paragraph 14.4), it had requested the Secretary-General to communicate with the Director-General of WTO to explore the possibility of concluding an agreement of co-operation between IMO and WTO in order to exchange information and documentation relevant to matters of mutual interest and to keep each other fully informed of all projected activities and programmes, which may be of interest to both organizations.

14.2 The Committee noted that the Council, at its twentieth extraordinary session, (C/ES.20/D, paragraph 8.2) endorsed the action taken by the Committee relating to co-operation on facilitation matters with WTO. The Secretary-General requested WTO to explore the possibility of co-operation between the two organizations, as requested by FAL 27 and endorsed by C/ES.20.

14.3 The Committee (FAL 28/14) noted that in response to the request of the Secretary-General, WTO members invited IMO Secretariat to attend informal meetings of the WTO Council for Trade in Goods on Trade Facilitation (CTG) that deals with trade facilitation and further noted the outcome of the CTG held on 13 July 2000 (FAL 28/14, annex).

14.4 The Committee was further informed orally by the Secretariat of the outcome of the WTO CTG held on 26 October 2000, which will be reported to the next session of the Committee.

14.5 The Committee instructed the Secretariat to keep the Committee updated on the development in WTO on trade facilitation matters.

### **Applications for consultative status**

14.6 The Committee noted that the Council, at its eighty-fourth session, in the light of the views and recommendations of the MSC, MEPC and the Committee, decided to grant consultative status to the International Harbour Masters' Association (IHMA).

14.7 The Committee noted that new applications for consultative status were referred to it by the Council (FAL 28/14/1, paragraph 5) in respect of the:

- .1 International Christian Maritime Association (ICMA); and
- .2 International Federation of Freight Forwarders Association (FIATA).

14.8 The Committee established a group to consider the applications referred to in paragraph 14.7 above and advise the Committee as appropriate.

14.9 Having received the group's report (FAL 28/WP.4), the Committee recommended to the Council that consultative status should be granted to ICMA and FIATA since they meet the criteria for the grant of such status and, in particular, would be able to contribute directly to the Committee's work and do not have access to IMO through other organizations. ICMA's consultative status could be reviewed if and when another organization with similar global service to the world's seafarers would request such status with IMO.

## **15 INSTITUTIONALIZATION OF THE FACILITATION COMMITTEE**

15.1 The Committee noted (FAL 28/15) with concern that the 1991 amendments to the IMO Convention aiming at institutionalizing had so far been adopted only by 50 Member States.

15.2 Noting further that a total of 105 explicit acceptances were needed to enable the entry into force of the said amendments twelve months thereafter, the Committee urged Member Governments to consider adopting the relevant amendments to the IMO Convention as soon as possible, pointing out that doing so would entail no financial consequences.

## **16 WORK PROGRAMME AND DATE OF NEXT SESSION**

### **Work programme and long-term work plan**

16.1 On the basis of the progress made during the session, the Committee reviewed and revised its work programme, approved a list of substantive items to be included in the agenda for its twenty-ninth session (FAL 28/WP.1, annex 1, as amended), and invited the Council to approve both (annex 7).

16.2 The Committee noted its long-term work plan for the period 2002 to 2006, as approved by the twenty-first session of the Assembly (FAL 28/2, annex), and the high priority subjects indicated by an asterisk.

16.3 In accordance with the established practice and in view of the fact that this is the last session of the Committee before the next session of the Assembly, the Committee considered, for submission through the Council to the twenty-second session of the Assembly, proposals on its long-term work plan for the period 2004 to 2008 (FAL 28/WP.1, annex 2, as amended) and agreed on the plan it intended to pursue as set out in annex 8. The Committee instructed the Secretariat, when finalizing the long-term work plan to accompany it with a brief report on progress made during the current biennium on each item contained therein.

16.4 The Committee, bearing in mind the maximum of three working and two drafting groups it was allowed to establish at each session, agreed that, apart from the SPI Working Group, Working or Drafting Groups on provisions relating to stowaway cases, EDI, harmonization of certificates and on amendments to the Annex to the Convention may have to be established at its next session.

### **Dates of next session**

16.5 The Committee noted that its twenty-ninth session has tentatively been scheduled to take place in January 2002 and recalled that, as decided at FAL 26, there would be no meeting in 2001.

### **Work programme of the SPI Working Group**

16.6 The Committee recalled that MSC 72, as far as safety-related items were concerned and MEPC 44, as far as environmental protection related items were concerned, had approved the SPI Working Group's work programme (FAL 28/12/1, annex).

16.7 The Committee considered the proposed revised work programme of the SPI Working Group (FAL 28/WP.2, annex 2) and approved it, as far as facilitation related items are concerned, as set out in annex 9.

## **17 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2001**

17.1 The Committee unanimously re-elected Mr. L. Barchue Sr. (Liberia) as Chairman for 2001.

17.2 Noting that the Vice-Chairman, Mr. W. Tieman (the Netherlands), who had recently been transferred to other duties, would no longer be available after this session, the Committee agreed to leave the post for 2001 vacant.

17.3 The Committee expressed its appreciation to Mr. W. Tieman for his excellent contribution to the work of the Committee and his dedication in furthering the improvement of facilitation of international maritime traffic globally and wished him every success in his future career.

## **18 ANY OTHER BUSINESS**

### **31st Conference of the International Association of Airport and Seaport Police (IAASP)**

18.1 The Committee noted the information provided by the Netherlands (FAL 28/18/Rev.1) on the 31<sup>st</sup> Conference of the International Association of Airport and Seaport Police (IAASP), held in Rotterdam from 28 May to 1 June 2000.

### **Establishment of a National Committee for Maritime Facilitation and Travel and Maritime Facilitation in Ecuador**

18.2 The Committee noted the information provided by Ecuador (FAL 28/INF.6) on the establishment of a National Committee for Maritime Facilitation and Travel and Maritime Facilitation in Ecuador.

### **International Symposium for the 21<sup>st</sup> Century**

18.3 The Committee noted information (FAL 28/INF.16) on the declaration of principles adopted by the International Symposium for the 21<sup>st</sup> Century, which was held in Washington D.C., from 9 to 12 October 2000.

### **Expression of appreciation**

18.4 The Committee expressed appreciation to Captain I.M. Fournarakis, HCG, Maritime Attaché at the Greek Embassy in London, on his impending return home, for his valuable contribution to its work and wished him every success in his future career.

## **19 REPORT TO THE COUNCIL**

The Council is invited:

- .1 to note the approval of FAL.5/Circ.14 on the IMO Compendium on Facilitation and Electronic Business (paragraph 5.6.1);
- .2 to endorse the approval of a strategy to promote the use of electronic means to exchange information with the objective of harmonizing and simplifying procedures (paragraph 5.6.2 and annex 2);

- .3 to endorse the re-establishment of the EDI correspondence group on Electronic business matters (paragraph 5.6.3 and annex 3);
- .4 to note the Committee's decision on the review of the FAL Convention and the preparation by its chairman of a strategic review on the Convention and the work of the FAL Committee, for submission to FAL 29 for consideration (paragraphs 7.4 and 7.5);
- .5 to note the Committee's decision with regard to the Multimodal Dangerous Goods Manifest and the approval of corresponding draft amendments to the Annex to the FAL Convention, for circulation with a view to adoption at FAL 29 (paragraphs 7.8 and 7.9 and annex 4);
- .6 to note the Committee's approval of draft amendments to the Annex to the FAL Convention relating to the issue of stowaways, for circulation with a view to adoption at FAL 29 (paragraph 10.28 and annex 4);
- .7 to note the Committee's decision on the harmonization of forms and notifications for the return of stowaways (paragraph 10.31);
- .8 to note the progress made on the harmonization of ships' certificates and to endorse the establishment of a correspondence group on this issue (paragraphs 11.10 to 11.15 and annex 5);
- .9 to note the Committee's decision on the assessment of the availability of adequate tug assistance (paragraphs 12.31 to 12.34);
- .10 to endorse the establishment of a correspondence group on the preparation of a more definite proposal regarding the development of guidelines for the training of port marine personnel (paragraph 12.38);
- .11 to endorse the action taken by the Committee on co-operation on facilitation matters with the World Trade Organization (WTO) (paragraphs 14.3 to 14.5);
- .12 to note the action taken by the Committee on expediting its institutionalization (paragraph 15.2);
- .13 to approve the list of substantive items to be included in the agenda for the Committee's twenty-ninth session (paragraph 16.1 and annex 7);
- .14 to note the Committee's long-term work plan (for the period 2004 to 2008) (paragraph 16.3 and annex 8);
- .15 to note the Committee's action in respect of the SPI Working Group's work programme (paragraph 16.7 and annex 9); and
- .16 to approve the report in general.

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## ANNEX 1

### AGENDA FOR THE TWENTY-EIGHTH SESSION INCLUDING A LIST OF DOCUMENTS

#### 1 Adoption of the agenda

Circular letter No.2206	-	Secretariat
FAL 28/1	-	Secretariat
FAL 28/1/1	-	Secretariat

#### 2 Decisions of other IMO bodies

FAL 28/2	-	Secretariat
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#### 3 Convention on Facilitation of International Maritime Traffic

FAL 28/3	-	Secretariat
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#### 4 Consideration and adoption of proposed amendments to the Annex to the Convention

No document issued under this agenda item.

#### 5 EDI messages for the clearance of ships

FAL 28/5	-	Netherlands (EDI Correspondence Group)
FAL 28/5/1	-	Netherlands
FAL 28/INF.5	-	United States
FAL 28/WP.5	-	Drafting Group

#### 6 Application of the Committee's guidelines

No document issued under this agenda item.

#### 7 General review of the Convention

FAL 28/7	-	Working Group Chairman
FAL 28/7/1	-	Germany
FAL 28/7/2	-	Australia
FAL 28/7/3	-	Secretariat

**8 Formalities connected with the arrival, stay and departure of ships**

FAL 28/8	-	Secretariat
FAL 28/INF.4	-	European Commission

**9 Formalities related to cargo - Facilitation aspects of the intermodal transport of dangerous goods**

No document issued under this agenda item.

**10 Formalities connected with the arrival, stay and departure of persons - Stowaways**

FAL 28/10	-	Denmark
FAL 28/INF.2	-	Hong Kong, China
FAL 28/INF.7	-	Denmark
FAL 28/INF.8	-	Hong Kong, China
FAL 28/INF.10	-	Greece
FAL 28/INF.11	-	Sweden
FAL 28/INF.12	-	Belgium
FAL 28/INF.13	-	Hong Kong, China
FAL 28/INF.14	-	Norway
FAL 28/WP.3	-	Working Group

**11 Facilitation aspects of other IMO forms and certificates - Harmonized reporting format**

FAL 28/WP.6	-	Working Group
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**12 Ship/port interface**

FAL 28/12	-	SPI Working Group
FAL 28/12/1	-	Secretariat
FAL 28/12/2	-	Secretariat
FAL 28/INF.3	-	Secretariat
FAL 28/WP.2	-	SPI Working Group

**13 Technical co-operation subprogramme for facilitation**

FAL 28/13	-	Secretariat
FAL 28/INF.9	-	Secretariat
FAL 28/INF.15	-	Secretariat

**14 Relations with other organizations**

FAL 28/14	-	Secretariat
FAL 28/WP.4	-	Small Group

**15 Institutionalization of the FAL Committee**

FAL 28/15	-	Secretariat
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**16 Work programme and date of next session**

FAL 28/WP.1	-	Secretariat
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**17 Election of Chairman and Vice-Chairman for 2000**

No document issued under this agenda item.

**18 Any Other Business**

FAL 28/18/Rev.1	-	Netherlands
FAL 28/INF.6 (Spanish only)	-	Ecuador
FAL 28/INF.16	-	Secretariat

**19 Report to the Council**

FAL 28/WP.7	-	Committee
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**Information papers**

FAL 28/INF.1 and Corr.1	-	List of participants
FAL 28/INF.17	-	List of documents

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## **ANNEX 2**

### **STRATEGY TO PROMOTE THE USE OF ELECTRONIC MEANS TO EXCHANGE INFORMATION WITH THE OBJECTIVE OF HARMONIZING AND SIMPLIFYING PROCEDURES**

#### **Strategy aim – Total Electronic Clearance of Ships and Cargo**

Steps for achieving the aim:

- .1 Common use of FAL forms through education and promotion;
- .2 The publication of IMO FAL Standards and the Compendium on the IMO website;
- .3 Regular review of the need and relevance of the existing FAL Forms and their contents to take account of technological developments;
- .4 Further efforts to encourage the concerned governmental bodies to continue simplifying and harmonizing information requirements;
- .5 Identification of impediments to, and operational and commercial benefits of total electronic clearance of ships and cargo; and
- .6 Efforts to ensure earliest implementation.

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### **ANNEX 3**

#### **TERMS OF REFERENCE FOR THE INTERSESSIONAL CORRESPONDENCE GROUP ON E-BUSINESS MATTERS**

- .1 to ensure the exchange of information with a view to keeping the FAL Committee informed of relevant developments relating to E-business in the area of maritime traffic; and
- .2 in this capacity, to act as a virtual focal point with a view to making further progress towards achieving the goal of total electronic clearance of ships and cargo.

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## ANNEX 4

### PROPOSED AMENDMENTS TO THE ANNEX TO THE FAL CONVENTION

#### Section 1 - Definitions and general provisions

##### A. Definitions

1 Add the following definitions:

*"Stowaway.* A person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the master or any other responsible person and who is detected on board the ship after it has departed from a port, or in the cargo while unloading it in the port of arrival, and is reported as a stowaway by the master to the appropriate authorities.

*Attempted stowaway.* A person who is secreted on a ship, or in cargo which is subsequently loaded on the ship, without the consent of the shipowner or the master or any other responsible person, and who is detected on board the ship before it has departed from the port.

*Port.* Any port, terminal, offshore terminal, ship and repair yard or roadstead which is normally used for the loading, unloading, repair and anchoring of ships, or any other place at which a ship can call."

#### Section 2 - Arrival, stay and departure of the ship

2 In 2.1 **Standard**, a note should be added as follows:

"Note:

The following FAL forms have been developed, as presented in Appendix 1:

- General declaration - FAL Form 1
- Cargo Declaration - FAL Form 2
- Ship's Stores Declaration - FAL Form 3
- Crew's Effects Declaration - FAL Form 4
- Crew List - FAL Form 5
- Passenger List - FAL Form 6
- Dangerous Goods Manifest - FAL Form 7."

3 Add two new paragraphs as follows:

"2.7 *bis* The Dangerous goods Manifest shall be the basic document providing public authorities with the information regarding Dangerous Goods.

2.7 *ter* In the Dangerous Goods Manifest public authorities shall not require more than the following information:

- Name of ship
- IMO number
- Nationality of ship
- [• Master's name]
- [• Voyage number]
- Port of loading
- Port of discharge
- Shipping agent
- Booking/reference number
- Marks and numbers:
  - container ID. No(s).
  - vehicle Reg. No(s).
- Number and kind of packages
- Proper shipping name
- Class
- UN Number
- Packing group
- Subsidiary risk(s)
- Flashpoint (in °C, c.c.)
- Marine Pollutant
- Mass (kg) – gross/net
- EmS
- Stowage position on board"

4 In 2.10 **Standard**, insert a new bullet as follows:

- "• [ ] copy of the Dangerous Goods Manifest"

5 In 2.11 **Standard**, insert a new bullet as follows:

- "• [ ] copy of the Dangerous Goods Manifest"

6 New Section [X] should be added as follows:

## "Section [X] - Stowaways

### A. General Principles

**1.1 Standard.** The provisions in this section shall be applied in accordance with international protection principles as set out in international instruments, such as the UN Convention relating to the Status of Refugees of 28 July 1951 and the UN Protocol relating to the Status of Refugees of 31 January 1967, and relevant national legislation.\*

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\* *In addition, public authorities may wish to consider the non-binding conclusion of the UNHCR Executive Committee on Stowaway Asylum-Seekers (1988, No. 53 (XXXIX))*

**1.2 Standard.** Public authorities, port authorities, shipowners and their representatives and shipmasters shall co-operate to the fullest extent possible in order to prevent stowaway incidents and to resolve stowaway cases expeditiously and secure that an early return or repatriation of the stowaway will take place. All appropriate measures shall be taken in order to avoid situations where stowaways must stay on board ships indefinitely.

## **B. Preventive measures**

### **2. Ship/Port preventive measures**

#### **2.1 Port/terminal authorities**

**2.1.1 Standard.** Contracting Governments shall ensure that the necessary infrastructure, and operational and security arrangements for the purpose of preventing persons attempting to stow away on board ships from gaining access to port installations and to ships, are established in all their ports, taking into consideration when developing these arrangements the size of the port, and what type of cargo is shipped from the port. This should be done in close co-operation with relevant public authorities, shipowners and shore-side entities, with the aim of preventing stowaway occurrences in the individual port.

**2.1.2 Recommended Practice.** Operational arrangements and/or security plans should, *inter alia*, address the following issues where appropriate:

- a) regular patrolling of port areas;
- b) establishment of special storage facilities for cargo subject to high risk of access of stowaways, and continuous monitoring of both persons and cargo entering these areas;
- c) inspections of warehouses and cargo storage areas;
- d) search of cargo itself, when presence of stowaways is clearly indicated;
- e) co-operation between public authorities, shipowners, masters and relevant shore-side entities in developing operational arrangements;
- f) co-operation between port authorities and other relevant authorities (e.g. police, customs, immigration) in order to prevent smuggling of humans;
- g) developing and implementing agreements with stevedores and other shoreside entities operating in national ports to ensure that only personnel authorized by these entities participate in the stowing/unstowing or loading/unloading of ships or other functions related to the ships stay in port; and
- h) developing and implementing agreements with stevedores and other shoreside entities to ensure that their personnel having access to the ship is easily identifiable, and a list of names of persons likely to need to board the ship in the course of their duties is provided.
- i) encouragement of stevedores and other persons working in the port area to report to the port authorities, the presence of any persons apparently not authorised to be in the port area.

## **2.2 Shipowner/Shipmaster**

**2.2.1 Standard.** Contracting Governments shall require that shipowners and their representatives in the port, the masters as well as other responsible persons have security arrangements in place which, as far as practicable, will prevent intending stowaways from getting aboard the ship, and, if this fails, as far as practicable, will detect them before the ship leaves port.

**2.2.2 Recommended Practice.** When calling at ports and during stay in ports, where there is risk of stowaway embarkation, security arrangements should at least contain the following preventive measures:

- all doors, hatches and means of access to holds or stores, which are not used during the ships stay in port should be locked;
- access points to the ship should be kept to a minimum and be adequately secured;
- areas seaward of the ship should be adequately secured;
- adequate deck watch should be kept;
- boardings and disembarkations should, where possible, be tallied by the ships crew or, after agreement with the shipmaster, by others;
- adequate means of communication should be maintained; and
- at night, adequate lighting should be maintained both inside and along the hull.

**2.2.3 Standard.** Contracting Governments shall require that ships entitled to fly their flag, except passenger ships, when departing from a port, where there is risk of stowaway embarkation, have undergone a thorough search in accordance with a specific plan or schedule, and with priorities given to places where stowaways might hide. Search methods, which are likely to harm secreted stowaways shall not be used.

**2.2.4 Standard.** Contracting Governments shall require that fumigation or sealing of ships entitled to fly their flag may not be carried out until a search which is as thorough as possible of the areas to be fumigated or sealed has taken place in order to ensure that no stowaways are present in those areas.

## **2.3 National Sanctions**

**2.3.1 Standard.** Where appropriate, contracting Governments shall, according to their national legislation, prosecute stowaways, attempted stowaways and persons aiding stowaways in gaining access to ships.

### **C. Treatment of the stowaway while on board**

#### **3.1 General principles – Humane treatment**

**3.1.1 Standard.** Stowaway incidents shall be dealt with consistent with humanitarian principles, including those mentioned in Standard 1.1. Due consideration must always be given to the operational safety of the ship and the safety and well being of the stowaway.

**3.1.2 Standard.** Contracting Governments shall require that shipmasters operating ships entitled to fly their flag, take appropriate measures to ensure the security, general health, welfare and safety of

the stowaway while he/she is on board, including providing him/her with adequate provisioning, accommodation, proper medical attention and sanitary facilities.

### **3.2 *Work on board***

**3.2.3 *Standard.*** Stowaways shall not be required to work on board the ship, except in emergency situations or in relation to the stowaway's accommodation on board.

### **3.3 *Questioning and notification by the shipmaster***

**3.3.1 *Standard.*** Contracting Governments shall require shipmasters to make every effort to establish the identity, including nationality/citizenship of the stowaway and the port of embarkation of the stowaway, and to notify the existence of the stowaway along with relevant details to the public authorities of the first planned port of call. This information shall also be provided to the shipowner, public authorities at the port of embarkation, the flag State and any subsequent ports of call if relevant.

**3.3.2 *Recommended Practice.*** When gathering relevant details for notification the shipmaster should use the form as specified in appendix 1.

**3.3.3 *Standard.*** Contracting Governments shall instruct shipmasters operating ships entitled to fly their flag that when a stowaway declares himself/herself to be a refugee, this information shall be treated as confidential to the extent necessary for the security of the stowaway.

### **3.4 *Notification of the International Maritime Organization***

**3.4.1 *Recommended Practice.*** Public authorities should report all stowaway incidents to the Secretary General of the International Maritime Organization.

## **D. *Deviation from the planned route***

**4.1 *Standard.*** Public authorities shall urge all shipowners operating ships entitled to fly their flag to instruct their masters not to deviate from the planned voyage to seek the disembarkation of stowaways discovered on board the ship after it has left the territorial waters of the country where the stowaways embarked, unless:

- permission to disembark the stowaway have been granted by the public authorities of the State to whose port the ship deviates;
- repatriation has been arranged elsewhere with sufficient documentation and permission for disembarkation; or
- there are extenuating security, health or compassionate reasons.

## **E. *Disembarkation and return of a stowaway***

### **5.1 *The State of the first port of call according to the voyage plan***

**5.1.1 *Standard.*** Public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall decide in accordance with national legislation whether the stowaway is admissible to that State.

**5.1.2 Standard.** Public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall allow disembarkation of the stowaway, when the stowaway is in possession of valid travel documents for return, and the public authorities are satisfied that timely arrangements have been or will be made for repatriation and all the requisites for transit fulfilled.

**5.1.3 Standard.** Where appropriate and in accordance with national legislation, public authorities in the country of the ship's first scheduled port of call after discovery of a stowaway shall allow disembarkation of the stowaway when the public authorities are satisfied that they or the shipowner will obtain valid travel documents, make timely arrangements for repatriation of the stowaway, and fulfill all the requisites for transit. Public authorities shall, further, favourably consider allowing disembarkation of the stowaway, when it is impracticable to remove the stowaway on the ship of arrival or other factors exist which would preclude removal on the ship. Such factors may include, but are not limited to when:

- a case is unresolved at the time of sailing of the ship; or
- the presence on board of the stowaway would endanger the safe operation of the ship, the health of the crew or the stowaway.

## **5.2 Subsequent port of calls**

**5.2.1 Standard.** When disembarkation of a stowaway has failed in the first scheduled port of call after discovery of the stowaway, public authorities of the subsequent ports of call shall examine the stowaway as for disembarkation in accordance with Standards 5.1.1, 5.1.2 and 5.1.3.

## **5.3 State of Nationality or Right of Residence**

**5.3.1 Standard.** Public authorities shall in accordance with international law accept the return of stowaways with full nationality/citizenship status, or accept the return of stowaways who in accordance with their national legislation have a right of residence in their State.

**5.3.2 Standard.** Public authorities shall, when possible, assist in determining the identity and nationality/citizenship of stowaways claiming to be a national or having a right of residence in their State.

## **5.4 State of Embarkation**

**5.4.1 Standard.** When it has been established to their satisfaction that stowaways have embarked a ship in a port in their State, public authorities shall accept for examination such stowaways being returned from their point of disembarkation after having been found inadmissible there. The public authorities of the State of embarkation shall not return such stowaways to the country where they were earlier found to be inadmissible.

**5.4.2 Standard.** When it has been established to their satisfaction that attempted stowaways have embarked a ship in a port in their State, public authorities shall accept disembarkation of attempted stowaways, and of stowaways found on board the ship while it is still in the territorial waters or if applicable according to the national legislation of that State in the area of immigration jurisdiction of that State. No penalty or charge in respect of detention or removal costs shall be imposed on the shipowner.

**5.4.3 Standard.** When an attempted stowaway has not been disembarked at the port of embarkation he/she is to be treated as a stowaway in accordance with the regulation of this section.

## **5.5 The flag State**

**5.5.1 Standard.** The public authorities of the flag State of the ship shall assist and co-operate with the master/shipowner or the appropriate public authority at ports of call in

- identifying the stowaway and determining his/her nationality,
- making representations to the relevant public authority to assist in the removal of the stowaway from the ship at the first available opportunity, and
- making arrangements for the removal or repatriation of the stowaway.

## **5.6 Return of stowaways**

**5.6.1 Recommended Practice.** When a stowaway has inadequate documents, public authorities should, whenever practicable and to an extent compatible with national legislation and security requirements, issue a covering letter with a photograph of the stowaway and any other important information. The letter, authorising the return of the stowaway either to his/her country of origin or to the point where the stowaway commenced his/her journey, as appropriate, by any means of transportation and specifying any other conditions imposed by the authorities, should be handed over to the operator affecting the removal of the stowaway. This letter will include information required by the authorities at transit points and/or the point of disembarkation.

**5.6.2 Recommended Practice.** Public authorities in the State where the stowaway has disembarked should contact the relevant public authorities at transit points during the return of a stowaway, in order to inform them of the status of the stowaway. In addition public authorities in countries of transit during the return of any stowaway should allow, subject to normal visa requirements and national security concerns, the transit through their ports and airports of stowaways travelling under the removal instructions or directions of public authorities of the country of the port of disembarkation.

**5.6.3 Recommended Practice.** When a port State has refused disembarkation of a stowaway that State should, without undue delay, notify the Flag State of the ship carrying the stowaway of the reasons for refusing disembarkation.

## **F. Cost of return and maintenance of stowaways**

**6.1 Recommended practice.** The public authorities of the State where a stowaway has been disembarked should generally inform the shipowner, on whose ship the stowaway was found, or his representative, as far as practicable, of the level of cost of detention and return of the stowaway, if the shipowner is to cover these costs. In addition, public authorities should keep such costs to a minimum, as far as practicable and according to national legislation, if they are to be covered by the shipowner.

**6.2 *Recommended Practice.*** The period during which shipowners are held liable to defray costs of maintenance of a stowaway by public authorities in the State where the stowaway has been disembarked should be kept to a minimum.

**6.3 *Standard.*** Public authorities shall, according to national legislation, consider mitigation of penalties against ships where the master of the ship has properly declared the existence of a stowaway to the appropriate authorities in the port of arrival, and has shown that all reasonable preventive measures had been taken to prevent stowaways gaining access to the ship.

**6.4 *Recommended practice.*** Public authorities should, according to national legislation, consider mitigation of other charges that might otherwise be applicable, when shipowners have co-operated with the control authorities to the satisfaction of those authorities in measures designed to prevent the transportation of stowaways."



## APPENDIX

## Stowaway Details

<p><b>SHIP DETAILS</b></p> <p>Name of ship:</p> <p>IMO Number:</p> <p>Flag:</p> <p>Company:</p> <p>Company Address:</p> <p>Agent in next port:</p> <p>Agent Address:</p> <p>IRCS:</p> <p>INMARSAT Number:</p> <p>Port of Registry:</p> <p>Name of master:</p>	<p>ID-document type, e.g. Passport No., ID Card No. Or Seaman's book No.:</p> <p>If yes,</p> <p>When issued:</p> <p>Where issued:</p> <p>Date of expiry:</p> <p>Issued by:</p> <p>Photograph of stowaway:</p>
<p><b>STOWAWAY DETAILS</b></p> <p>Date/time found on board:</p> <p>Place of Boarding:</p> <p>Country of Boarding:</p> <p>Date/time of Boarding:</p> <p>Intended Final Destination:</p> <p>Stated reasons for boarding the ship:</p> <p>(If the stowaway declares himself to be a refugee or an asylum seeker, this information shall be treated as confidential).</p> <p>Surname:</p> <p>Given name:</p> <p>Name by which known:</p> <p>Gender:</p> <p>Date of birth:</p> <p>Place of birth:</p> <p>Claimed nationality:</p> <p>Home Address:</p> <p>Country of domicile:</p>	<p>General physical description of the stowaway:</p> <p>First language:</p> <p>Spoken:</p> <p>Read:</p> <p>Written:</p> <p>Other languages:</p> <p>Spoken:</p> <p>Read:</p> <p>Written:</p>

***Other details:***

- 1) Method of boarding, including other persons involved (e.g. crew, port workers, etc.), and whether they were secreted in cargo/container or hidden in the vessel:*
  
- 2) Inventory of Stowaways possessions:*
  
- 3) Statement made by Stowaway:*
  
- 4) Statement made by Master (including any observations on the credibility of the information provided by the stowaway).*

*Date(s) of Interview(s):*

*Stowaway's signature:*

*Master's signature:*

*Date:*

*Date:*

\*\*\*

## ANNEX 5

## HARMONIZATION OF CERTIFICATES

## APPENDIX 1

## A SAMPLE OF MODIFIED PASSENGER SHIP SAFETY CERTIFICATE

This Certificate shall be supplemented by a Record of Equipment (Form P)

(Official seal)

(State)

for an<sup>1</sup> international voyage  
a short

Issued under the provisions of the  
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974  
as modified by the Protocol of 1988 relating thereto

under the authority of the Government of

\_\_\_\_\_  
(name of the State)

by

\_\_\_\_\_  
(person or organization authorized)

*Particulars of ship*<sup>2</sup>

Name of ship .....

IMO Number<sup>3</sup> .....

Distinctive number or letters .....

Port of registry .....

Gross tonnage

National .....

International Tonnage Convention, 1969 .....

Main Propulsion Power (kW) .....

<sup>1</sup> Delete as appropriate.

<sup>2</sup> Alternatively, the particulars of the ship may be placed horizontally in boxes.

<sup>3</sup> In accordance with resolution A.600(15) - IMO Ship Identification Number Scheme, this information may be included voluntarily

Name of ship .....

IMO Number .....

Periodically unattended machinery space                      yes/no

Sea areas in which ship is  
certified to operate (regulation IV/2) .....

Name and address of company .....

.....

.....

(see paragraph 1.1.2 of the ISM Code)

Date on which keel was laid or ship was at a similar  
stage of construction or, where applicable, date on  
which work for a conversion or an alteration or  
modification of a major character was commenced .....

# THIS IS TO CERTIFY

1        That the ship has been surveyed in accordance with the requirements of regulation 1/7 of  
the Convention.

2        That the survey showed that:

2.1     the ship complied with the requirements of the Convention as regards:

.1       the structure, main and auxiliary machinery, boilers and other pressure vessels;

.2       the watertight subdivision arrangements and details;

.3       the following subdivision load lines:

Subdivision load lines assigned and marked on the ship's side amidships (regulation III-1/13)	Freeboard	To apply when the spaces in which passengers are carried include the following alternative spaces
C.1	.....	.....
C.2	.....	.....
C.3	.....	.....

Name of ship .....

IMO Number .....

2.2 the ship complied with the requirements of the Convention as regards structural fire protection, fire safety systems and appliances and fire control plans;

2.3 the life-saving appliances and the equipment of lifeboats, liferafts and rescue boats were provided in accordance with the requirements of the Convention;

2.4 the ship was provided with a line-throwing appliance and radio installations used in life-saving appliances in accordance with the requirements of the Convention;

2.5 the ship complied with the requirements of the Convention as regards radio installations;

2.6 the functioning of the radio installations used in life-saving appliances complied with the requirements of the Convention;

2.7 the ship complied with the requirements of the Convention as regards shipborne navigational equipment, means of embarkation for pilots and nautical publications;

2.8 the ship was provided with lights, shapes, means of making sound signals and distress signals in accordance with the requirements of the Convention and the International Regulations for Preventing Collisions at Sea in force;

2.9 in all other respects the ship complied with the relevant requirements of the Convention.

3. That the ship named in this document is considered to be safely manned in accordance with the provisions of V/13b of the Convention if, when it proceeds to sea, it carries not less than the number and grades/capacities of personnel specified in the table(s) below.

Grade/capacity	Certificate (STCW regulation)	Number of persons

Name of ship .....

IMO Number .....

4a\*\* That the ship has been audited on .....(date) and that it complies with the requirements of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code),\* following verification that the Document of Compliance for the Company is applicable to this type of ship; or as an interim provision:

4b\*\* That the safety management system of the ship complies with the provisions of paragraphs 3.3.4 and 3.3.5 of the Guidelines on Implementation of the International Safety Management (ISM) Code by Administrations.\*\*\*

5 That an Exemption Certificate has/has not<sup>1</sup> been issued.

Number of Exemptions attached at appendix 1.....

6 That a list of operational limitations in accordance with V/23 of the Convention has/has not been issued. Where applicable details are on appendix 2.

7 That a Document of Compliance for the Carriage of Dangerous Goods has/has not been issued. Where applicable details are in appendix 3.

This certificate is valid until .....

Issued at .....  
(Place of issue of certificate)

\_\_\_\_\_  
(Date of issue)

\_\_\_\_\_  
(Signature of authorized official  
issuing the certificate)

(Seal or stamp of the issuing authority, as appropriate)

---

\* Adopted by the Organization by resolution A.741(18).

\*\* Delete as applicable.

\*\*\* Adopted by the Organization by resolution A.788(19).

<sup>1</sup> Delete as appropriate.

Name of ship .....

IMO Number .....

*Endorsement where the renewal survey has been completed and regulation II/14(d) applies*

The ship complies with the relevant requirements of the Convention, and this certificate shall, in accordance with regulation I/14(d) of the Convention, be accepted as valid until.....

Signed:.....  
(Signature of authorized official)

Place: .....

Date: .....

*(Seal or stamp of the authority, as appropriate)*

*Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation I/14(e) or I/14(f) applies*

This certificate shall, in accordance with regulation I/14(e)I/14(f)<sup>1</sup> of the Convention, be accepted as valid until .....

Signed:.....  
(Signature of authorized official)

Place: .....

Date: .....

*(Seal or stamp of the authority, as appropriate)*

---

<sup>1</sup> If applicable.





Name of ship .....

IMO Number .....

## **Appendix 1**

### **Exemptions**

THIS IS TO CERTIFY:

That the ship is, under the authority conferred by regulation ..... of the Convention,  
exempted from the requirements of.....of the Convention.

Conditions, if any, on which the Exemption Certificate is granted:

.....  
.....  
.....

Voyages, if any, for which the Exemption Certificate is granted:

.....

Name of ship .....

IMO Number .....

**Appendix 2**  
**List of Operational Limitations**

Trading area **
-----------------

Special requirements or conditions, if any:
---

Issued at ..... on the ..... day of .....  
(month and year)

Date of expiry (*if any*) .....

(*Seal of the Administration*)

(*Signature for and on behalf of the Administration*)

---

\*\* Where a trading area other than unlimited is shown, a clear description or map of the trading area should be included in the document.

Name of ship .....

IMO Number .....

### **Appendix 3**

#### **Document of Compliance for Carriage of Dangerous Goods**

Name of ship .....

IMO Number .....

*Record of Equipment for the Passenger Ship Safety Certificate (Form P)*

This Record shall be permanently attached to the Passenger Ship Safety Certificate

RECORD OF EQUIPMENT FOR COMPLIANCE WITH THE INTERNATIONAL  
CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, AS MODIFIED BY THE  
PROTOCOL OF 1988 RELATING THERETO

1 *Particulars of ship*

Name of ship .....

IMO Number .....

Distinctive number or letters .....

.....

Number of passengers for which certified .....

.....

.....

Minimum number of persons with required qualifications to operate the radio installations

2 *Details of life-saving appliances*

1	Total number of persons for which life-saving appliances are provided .....	
	Port side	Starboard side
2	Total number of lifeboats	.....
2.1	Total number of persons accommodated by them	.....
2.2	Number of partially enclosed lifeboats (regulation III/42)	.....
2.3	Number of self-righting partially enclosed lifeboats (regulation III/43)	.....
2.4	Number of totally enclosed lifeboats (regulation III/44)	.....
2.5	Other lifeboats	.....
2.5.1	Number	.....
2.5.2	Type	.....

Name of ship .....

IMO Number .....

2 *Details of life-saving appliances (continued)*

3	Number of motor lifeboats included in the total lifeboats shown above)	.....
3.1	Number of lifeboats fitted with searchlights	.....
4	Number of rescue boats	.....
4.1	Number of boats which are included in the total lifeboats shown above	.....
5	Liferafts	.....
5.1	Those for which approved launching appliances are required	.....
5.1.1	Number of liferafts	.....
5.1.2	Number of persons accommodated by them	.....
5.2	Those for which approved launching appliances are not required	.....
5.2.1	Number of liferafts	.....
5.2.2	Number of persons accommodated by them	.....
6	Buoyant apparatus	.....
6.1	Number of apparatus	.....
6.2	Number of persons capable of being supported	.....
7	Number of lifebuoys	.....
8	Number of lifejackets	.....
9	Immersion suits	.....
9.1	Total number	.....
9.2	Number of suits complying with the requirements for lifejackets	.....
10	Number of thermal protective aids'	.....
11	Radio installations used in life-saving appliances	.....
11.1	Number of radar transponders	.....
11.2	Number of two-way VHF radiotelephone apparatus	.....

' Excluding those required by regulations 111/38.5.1.24,111/41.8.31 and 111/47.2.2.13.

Name of ship .....

IMO Number .....

### 3 Details of radio facilities

Item	Actual provision
1 Primary systems	.....
1.1 VHF radio installation	.....
1.1.1 DSC encoder	.....
1.1.2 DSC watch receiver	.....
1.1.3 Radiotelephony	.....
1.2 MF radio installation	.....
1.2.1 DSC encoder	.....
1.2.2 DSC watch receiver	.....
1.2.3 Radiotelephony	.....
1.3 MF/HF radio installation	.....
1.3.1 DSC encoder	.....
1.3.2 DSC watch receiver	.....
1.3.3 Radiotelephony	.....
1.3.4 Direct-printing radiotelegraphy	.....
1.4 INMARSAT ship earth station	.....
2 Secondary means of alerting	.....
3 Facilities for reception of maritime safety information	.....
3.1 NAVTEX receiver	.....
3.2 EGC receiver	.....
3.3 HF direct-printing radiotelegraph receiver	.....
4 Satellite EPIRB	.....
5 VHF EPIRB	.....
6 Ship's radar transponder	.....
7 Radiotelephone distress frequency watch receiver on 2,182 kHz	.....
8 Device for generating the radiotelephone alarm signal on 2,182 kHz <sup>3</sup>	.....

<sup>2</sup> Unless another date is determined by the Maritime Safety Committee, this item need not be reproduced on the record attached to certificates issued after 1 February 1999.

<sup>3</sup> This item need not be reproduced on the record attached to certificates issued after 1 February 1999.

Name of ship .....

IMO Number .....

4 Methods used to ensure availability of radio facilities (regulations IV/15.6 and 15.7)

4.1 Duplication of equipment

4.2 Shore-based maintenance

4.3 At-sea maintenance capability

Other relevant documents

Item	Actual Provision
<ul style="list-style-type: none"> <li>• Search and Rescue Cooperation plan</li> <li>• Decision support system</li> <li>• Stability Booklet</li> <li>• Damage Control Booklet</li> <li>• Cargo Securing Manual</li> </ul>	

THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at .....  
(Place of issue of the Record)

.....  
(Date of issue)

.....  
(Signature of duly authorized  
official issuing the Record)

(Seal or stamp of the issuing authority, as appropriate)

## APPENDIX 2

### *"Form of Safety Certificate for Passenger Ships"*

#### PASSENGER SHIP SAFETY CERTIFICATE

This Certificate shall be supplemented by a Record of Equipment (Form P)

*(Official seal)*

*(State)*

for an<sup>1</sup> international voyage  
a short

Issued under the provisions of the  
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974  
as modified by the Protocol of 1988 relating thereto

under the authority of the Government of

\_\_\_\_\_  
*(name of the State)*

by

\_\_\_\_\_  
*(person or organization authorized)*

\_\_\_\_\_  
<sup>1</sup> Delete as appropriate.



*Particulars of ship*<sup>1</sup>

Name of ship .....

Distinctive number or letters .....

Port of registry .....

Gross tonnage .....

Sea areas in which ship is  
certified to operate (regulation IV/2) .....

IMO Number <sup>2</sup> .....

Date on which keel was laid or ship was at a similar  
stage of construction or, where applicable, date on  
which work for a conversion or an alteration or  
modification of a major character was commenced.....

---

<sup>1</sup> Alternatively, the particulars of the ship may be placed horizontally in boxes.

<sup>2</sup> In accordance with resolution A.600(15) - IMO Ship Identification Number Scheme, this information may be included voluntarily.

THIS IS TO CERTIFY:

1 That the ship has been surveyed in accordance with the requirements of regulation 1/7 of the Convention.

2 That the survey showed that:

2.1 the ship complied with the requirements of the Convention as regards:

- .1 the structure, main and auxiliary machinery, boilers and other pressure vessels;
- .2 the watertight subdivision arrangements and details;
- .3 the following subdivision load lines:

Subdivision load lines assigned and marked on the ship's side amidships (regulation III-1/13)	Freeboard	To apply when the spaces in which passengers are carried include the following alternative spaces
C.1	.....	.....
C.2	.....	.....
C.3	.....	.....

2.2 the ship complied with the requirements of the Convention as regards structural fire protection, fire safety systems and appliances and fire control plans;

2.3 the life-saving appliances and the equipment of lifeboats, liferafts and rescue boats were provided in accordance with the requirements of the Convention;

2.4 the ship was provided with a line-throwing appliance and radio installations used in life-saving appliances in accordance with the requirements of the Convention;

2.5 the ship complied with the requirements of the Convention as regards radio installations;

2.6 the functioning of the radio installations used in life-saving appliances complied with the requirements of the Convention;

2.7 the ship complied with the requirements of the Convention as regards shipborne navigational equipment, means of embarkation for pilots and nautical publications;

2.8 the ship was provided with lights, shapes, means of making sound signals and distress signals in accordance with the requirements of the Convention and the International Regulations for Preventing Collisions at Sea in force;

2.9 in all other respects the ship complied with the relevant requirements of the Convention.

3 That an Exemption Certificate has/has not<sup>1</sup> been issued.

This certificate is valid until .....

Issued at .....  
(Place of issue of certificate)

\_\_\_\_\_  
(Date of issue)

\_\_\_\_\_  
(Signature of authorized official.  
issuing the certificate)

(Seal or stamp of the issuing authority, as appropriate)

\_\_\_\_\_  
<sup>1</sup> Delete as appropriate.

*Endorsement where the renewal survey has been completed and regulation 114(d) applies*

The ship complies with the relevant requirements of the Convention, and this certificate shall, in accordance with regulation 1/14(d) of the Convention, be accepted as valid until.....

Signed:.....  
(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

*Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation 1/14(e) or 1/14(f) applies*

This certificate shall, in accordance with regulation 1/14(e)/1/14(f)<sup>1</sup> of the Convention, be accepted as valid until .....

Signed:.....  
(Signature of authorized official)

Place: .....

Date: .....

(Seal or stamp of the authority, as appropriate)

---

<sup>1</sup> Delete as appropriate.

*Record of Equipment for the Passenger Ship Safety Certificate (Form P)*

This Record shall be permanently attached to the  
Passenger Ship Safety Certificate

RECORD OF EQUIPMENT FOR COMPLIANCE WITH  
THE INTERNATIONAL CONVENTION FOR THE SAFETY  
OF LIFE AT SEA, 1974, AS MODIFIED BY THE PROTOCOL  
OF 1988 RELATING THERETO

1 *Particulars of ship*

Name of ship .....

Distinctive number or letters .....

Number of passengers for which certified .....

.....

Minimum number of persons with required qualifications to operate the radio  
installations

2 *Details of life-saving appliances*

1 Total number of persons for which life-saving appliances are provided .....		
	Port side	Starboard side
2 Total number of lifeboats	.....	.....
2.1 Total number of persons accommodated by them	.....	.....
2.2 Number of partially enclosed lifeboats (regulation III/42)	.....	.....
2.3 Number of self-righting partially enclosed lifeboats (regulation III/43)	.....	.....
2.4 Number of totally enclosed lifeboats (regulation III/44)	.....	.....
2.5 Other lifeboats	.....	.....
2.5.1 Number	.....	.....
2.5.2 Type	.....	.....

2 *Details of life-saving appliances (continued)*

3	Number of motor lifeboats included in the total lifeboats shown above)	.....
3.1	Number of lifeboats fitted with searchlights	.....
4	Number of rescue boats	.....
4.1	Number of boats which are included in the total lifeboats shown above	.....
5	Liferafts	.....
5.1	Those for which approved launching appliances are required	.....
5.1.1	Number of liferafts	.....
5.1.2	Number of persons accommodated by them	.....
5.2	Those for which approved launching appliances are not required	.....
5.2.1	Number of liferafts	.....
5.2.2	Number of persons accommodated by them	.....
6	Buoyant apparatus	.....
6.1	Number of apparatus	.....
6.2	Number of persons capable of being supported	.....
7	Number of lifebuoys	.....
8	Number of lifejackets	.....
9	Immersion suits	.....
9.1	Total number	.....
9.2	Number of suits complying with the requirements for lifejackets	.....
10	Number of thermal protective aids'	.....
11	Radio installations used in life-saving appliances	.....
11.1	Number of radar transponders	.....
11.2	Number of two-way VHF radiotelephone apparatus	.....

' Excluding those required by regulations 111/38.5.1.24,111/41.8.31 and 111/47.2.2.13.

### 3 Details of radio facilities

Item	Actual provision
1 Primary systems	.....
1.1 VHF radio installation	.....
1.1.1 DSC encoder	.....
1.1.2 DSC watch receiver	.....
1.1.3 Radiotelephony	.....
1.2 MF radio installation	.....
1.2.1 DSC encoder	.....
1.2.2 DSC watch receiver	.....
1.2.3 Radiotelephony	.....
1.3 MF/HF radio installation	.....
1.3.1 DSC encoder	.....
1.3.2 DSC watch receiver	.....
1.3.3 Radiotelephony	.....
1.3.4 Direct-printing radiotelegraphy	.....
1.4 INMARSAT ship earth station	.....
2 Secondary means of alerting	.....
3 Facilities for reception of maritime safety information	.....
3.1 NAVTEX receiver	.....
3.2 EGC receiver	.....
3.3 HF direct-printing radiotelegraph receiver	.....
4 Satellite EPIRB	.....
5 VHF EPIRB	.....
6 Ship's radar transponder	.....
7 Radiotelephone distress frequency watch receiver on 2,182 kHz	.....
8 Device for generating the radiotelephone alarm signal on 2,182 kHz <sup>3</sup>	.....

<sup>2</sup> Unless another date is determined by the Maritime Safety Committee, this item need not be reproduced on the record attached to certificates issued after 1 February 1999.

<sup>3</sup> This item need not be reproduced on the record attached to certificates issued after 1 February 1999.

4 Methods used to ensure availability of radio facilities (regulations IV/15.6 and 15.7)

4.1 Duplication of equipment

4.2 Shore-based maintenance

4.3 At-sea maintenance capability

5 *Ships constructed before 1 February 1995 which do not comply with all the applicable requirements of chapter IV of the Convention as amended in 1988<sup>4</sup>*

	Requirements of regulations	Actual provision
Hours of listening by operator	.....	.....
Number of operators	.....	.....
Whether auto alarm fitted	.....	.....
Whether main installation fitted	.....	.....
Whether reserve installation fitted	.....	.....
Whether main and reserve transmitters electrically separated or combined	.....	.....

6 *Ships constructed before 1 February 1992 which do not fully comply with the applicable requirements of chapter III of the Convention as amended in 1988<sup>5</sup>*

	Actual provision
Radiotelegraph installation for lifeboat	.....
Portable radio apparatus for survival craft	.....
Survival craft EPIRB (121.5 MHz and 243.0 MHz)	.....
Two-way radiotelephone apparatus	.....

<sup>4</sup> This section need not be reproduced on the record attached to certificates issued after 1 February 1999.

<sup>5</sup> This section need not be reproduced on the record attached to certificates issued after 1 February 1995.



THIS IS TO CERTIFY that this Record is correct in all respects.

Issued at .....  
*(Place of issue of the Record)*

.....  
*(Date of issue)*

.....  
*(Signature of duly authorized  
official issuing the Record)*

*(Seal or stamp of the issuing authority, as appropriate)*

**Document of Compliance for  
Carriage of Dangerous Goods**

## SAFETY MANAGEMENT CERTIFICATE

(Official seal)

(State)

Issued under the provisions of the INTERNATIONAL CONVENTION FOR THE  
SAFETY OF LIFE AT SEA, 1974, as amended

Under the authority of the Government of \_\_\_\_\_  
(name of the State)

by \_\_\_\_\_  
(person or organization authorized)

Name of ship: .....

Distinctive number or letters: .....

Port of registry:.....

Type of ship\* : .....

Gross tonnage:.....

IMO Number:.....

Name and address of Company:.....

.....  
(see paragraph 1.1.2 of the ISM Code)

THIS IS TO CERTIFY THAT the safety management system of the ship has been audited and that it complies with the requirements of the International Management Code for the Safe Operation of Ships and for Pollution Prevention (ISM Code),\*\* following verification that the Document of Compliance for the Company is applicable to this type of ship.

This Safety Management Certificate is valid until ..... subject to periodical verification and the validity of the Document of Compliance.

Issued at .....  
(place of issue of the document)

Date of issue .....  
(Signature of the duly authorized official  
issuing the certificate)

(Seal or stamp of issuing authority, as appropriate)

---

\* Insert the type of ship from among the following: passenger ship; passenger high-speed craft; cargo high speed craft; bulk carrier; oil tanker; chemical tanker; gas carrier; mobile offshore drilling unit; other cargo ship.

\*\* Adopted by the Organization by resolution A.741(18).

**ENDORSEMENT FOR PERIODICAL VERIFICATION AND  
ADDITIONAL VERIFICATION (IF REQUIRED)**

THIS IS TO CERTIFY THAT, at the periodical verification in accordance with regulation 6 of chapter IX of the Convention, the safety management system was found to comply with the requirements of the ISM Code.

**INTERMEDIATE VERIFICATION<sup>#</sup>**  
(to be completed between the **second** and  
the **third** anniversary date)

Signed:.....  
(Signature of authorized official)

Place: .....

Date: .....

---

**ADDITIONAL VERIFICATION\***

Signed:.....  
(Signature of authorized official)

Place: .....

Date: .....

**ADDITIONAL VERIFICATION\***

Signed:.....  
(Signature of authorized official)

Place: .....

Date: .....

**ADDITIONAL VERIFICATION\***

Signed:.....  
(Signature of authorized official)

Place: .....

Date: .....

\* If applicable

## Model Form of Minimum Safe Manning Document

### MINIMUM SAFE MANNING DOCUMENT

(Official seal)

(State)

Issued under the provisions of regulation V/13(b) of the  
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended

Under the authority of the Government of \_\_\_\_\_  
(name of the State)

by \_\_\_\_\_  
(Administration)

#### *Particulars of ship\**

Name of ship .....

Distinctive number or letters .....

IMO number .....

Port of registry .....

Gross tonnage:

National .....

International Tonnage Convention, 1969 .....

Main propulsion power (kW) .....

Type of ship .....

Periodically unattended machinery space                      yes/no

---

\* Alternatively the particulars of the ship may be placed horizontally.

Trading area**
----------------

The ship named in this document is considered to be safely manned if, when it proceeds to sea, it carries not less than the number and grades/capacities of personnel specified in the table(s) below.

Grade/capacity	Certificate (STCW regulation)	Number of persons

Special requirements or conditions, if any:
---

Issued at ..... on the ..... day of .....  
(month and year)

Date of expiry (if any) .....

(Seal of the Administration)

(Signature for and on behalf of the Administration)

---

\*\* Where a trading area other than unlimited is shown, a clear description or map of the trading area should be included in the document.

*Form of Exemption Certificate*

EXEMPTION CERTIFICATE

*(Official seal)*

*(State)*

Issued under the provisions of the  
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE  
AT SEA, 1974, as modified by the Protocol of 1988 relating thereto

under the authority of the Government of

\_\_\_\_\_  
*(name of the State)*

by

\_\_\_\_\_  
*(person or organization authorized)*

*Particulars of ship<sup>1</sup>*

Name of ship .....

Distinctive number or letters .....

Port of registry .....

Gross tonnage .....

IMO Number<sup>2</sup> .....

<sup>1</sup> Alternatively, the particulars of the ship may be placed horizontally in boxes.

<sup>2</sup> In accordance with resolution A.600(15) – IMO Ship Identification Number Scheme, this information may be included voluntarily.

THIS IS TO CERTIFY:

That the ship is, under the authority conferred by regulation ..... of the Convention,  
exempted from the requirements of ..... of the Convention.

Conditions, if any, on which the Exemption Certificate is granted:

.....  
.....  
.....  
.....

Voyages, if any, for which the Exemption Certificate is granted:

.....

This certificate is valid until .....subject to the .....  
Certificate, to which this certificate is attached, remaining valid.

Issued at .....

*(Place of issue of certificate)*

.....  
*(Date of issue)*

.....  
*(Signature of authorized official  
issuing the certificate)*

*(Seal or stamp of the issuing authority, as appropriate)*



*Endorsement to extend the certificate if valid for less than 5 years where regulation I/14c applies*

This certificate shall, in accordance with regulation I/14(c) of the Convention, be accepted as valid until .....subject to the .....Certificate, to which this certificate is attached, remaining valid.

Signed: .....  
(signature of authorized official)

Place: .....

Date: .....

*(Seal or stamp of the authority, as appropriate)*

*Endorsement where the renewal survey has been completed and regulation I/14(c) applies*

This certificate shall, in accordance with regulation I/14(c) of the Convention, be accepted as valid until .....subject to the .....Certificate, to which this certificate is attached, remaining valid.

Signed: .....  
(signature of authorized official)

Place: .....

Date: .....

*(Seal or stamp of the authority, as appropriate)*

*Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation I/14(e) or I/14(f) applies*

This certificate shall, in accordance with regulation I/14(e)/I/14(f)<sup>3</sup> of the Convention, be accepted as valid until .....subject to the .....Certificate, to which this certificate is attached, remaining valid.

Signed: .....  
(signature of authorized official)

Place: .....

Date: .....

*(Seal or stamp of the authority, as appropriate)*

---

<sup>3</sup> Delete as appropriate.

### APPENDIX 3

#### Additional information provided by the Working Group on Harmonization of certificates

Endorsement for annual, intermediate, periodic, extension of validity, renewal advancement of anniversary date, and inspection of the outside of the ship's bottom surveys.

THIS IS TO CERTIFY that surveys as indicated in column 1 & 2 have been carried out in accordance with the requirements of the Convention.

TYPE OF SURVEY	REGULATION	PLACE	DATE dd/mm/yr	SIGNATURE	SEAL OR STAMP OF THE AUTHORITY, AS APPROPRIATE
CONSTRUCTION: Endorsement for annual and intermediate surveys relating to structure, machinery and equipment referred to in paragraph 2.1 of this certificate					
Annual	I/10				
Annual/Intermediate*	I/10				
Annual/Intermediate*	I/10				
ANNUAL	I/10				
ANNUAL/Intermediate*	I/14 h(iii)				
Endorsement for inspections of the outside of the ship's bottom					
First Inspection	I/10				
Second Inspection	I/10				
EQUIPMENT: Endorsement for annual and periodical surveys relating to life saving appliances and other equipment referred to in paragraphs 2.3, 2.4, 2.5, 2.8, and 2.9 of this certificate					
Annual	I/8				
Annual/Periodical*	I/8				
Annual/Periodical*	I/8				
Annual	I/8				
Annual Periodical	I/14(h) (iii)				
RADIO: Endorsement for periodical surveys relating to radio installations referred to in paragraphs 2.6 ad 2.7 of this certificate					
Periodical	I/9				
Periodical	I/9				
Periodical	I/9				
Periodical	I/9				
Periodical	I/14(h) (iii)				
ISM CODE: Endorsement for periodical verification and additional verification (if required)					
Intermediate	IX/6				
Additional					
Additional					
Additional					
Extension: Endorsement to extend the certificate if valid for less than 5 years where regulation I/14 (c) applies					
VALID UNTIL	I/14(c)				
Renewal: Endorsement where the renewal survey has been completed and regulation I/14 (d) applies					
VALID UNTIL .....	I/14(d)				

\* delete as applicable

TYPE OF SURVEY	REGULATION	PLACE	DATE dd/mm/yr	SIGNATURE	SEAL OR STAMP OF THE AUTHORITY, AS APPROPRIATE
Extension to reach port: Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation I/14(e) or I/14(f) applies					
VALID UNTIL .....	I/14(e)/ I/14(f)				
Advancement: Endorsement for advancement of anniversary date where regulation I/14(h) applies					
NEW ANNIVERSARY DATE IS .....					
NEW ANNIVERSARY DATE IS .....					

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## **ANNEX 6**

### **NETHERLANDS STATEMENT ON THE IMO TECHNICAL CO-OPERATION PROJECT ON FACILITATION**

Mr. Chairman, I would like to make some comments on the IMO Technical Co-operation project on Facilitation.

Last week, I was present at the Sub-regional Facilitation seminar in Sanato Domingo, in the Dominican Republic. It was the last seminar of the project in the Latin America and the Caribbean region. Herewith the FAL project is coming to an end.

Mr. Chairman, my country has always supported these Facilitation projects, not only by words in IMO meetings but also by funding. In this respect I may also recall the preceding IMO-ESCAP project in the South East Asian region.

Evaluation missions in that region have learned that the results and follow-up in many cases are much promising. For example, Bangladesh has just ratified the FAL Convention. More and more delegations are present at our FAL meetings.

My participating as lecturer of several of these seminars and as participant of the IMO evaluation team, have learned me that the different authorities, responsible and concerned with the clearance of ships: customs, immigration, port authorities, have met each other on these seminars, in many cases for the first time. That was for me an eye opener and a very important result of the seminars.

Today, it is for ports of developing countries of vital interest to follow the harmonizing of procedures and to be ready for EDI.

During these regional seminars more and more port security matters have been put forward and I like to call attention of the Committee on these important and worldwide problems.

Mr. Chairman, from my own experience I have seen that, the organization and execution of these FAL Project seminars within the budget far from IMO and London, was not an easy task. But with the devotion of the IMO Secretariat, and I would like to mention especially Captain Hartmut Hesse, and of course the regional support, they were always successful.

Mr. Chairman, to conclude, the Netherlands is pleased to have funded these FAL projects and would like to see insertion of this in the report of this meeting.

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## **ANNEX 7**

### **SUBSTANTIVE ITEMS FOR INCLUSION IN THE AGENDA OF THE TWENTY-NINTH SESSION**

Convention on Facilitation of International Maritime Traffic

- Status of the Convention

Consideration and adoption of proposed amendments to the Annex to the Convention

Electronic means for the clearance of ships

- .1 Development of uniform systems for the arrival and clearance of ships, persons and cargoes
- .2 EDI messages

General review of the Convention including harmonization with other international instruments:

- .1 Information submitted on implementation of individual provisions of the Annex to the Convention
- .2 Prevention and suppression of unlawful acts at sea or in port:  
Facilitation aspects
- .3 Prevention and control of illicit drug trafficking  
Facilitation aspects
- .4 Consideration of the need for the review of the Convention and the work thereon by the Committee

Formalities connected with the arrival, stay and departure of ship

- Implementation of the Standardized IMO Model FAL Forms

Formalities connected with the arrival, stay and departure of persons - Stowaways

Facilitation aspects of other IMO forms and certificates

Ship/port interface

Technical co-operation subprogramme for facilitation

Institutionalization of the FAL Committee

Application of the Committee's guidelines

Work programme

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## ANNEX 8

**LONG-TERM WORK PLAN OF THE COMMITTEE  
FOR THE PERIOD 2004 TO 2008**

**Subjects\***

- \* 1 Implementation, interpretation and improvement of the Convention on Facilitation of International Maritime Traffic (FAL), 1965, and its Annex
- \* 2 Facilitation activities within the remit of the Organization including:
  - .1 promotional activities carried out in co-operation with Member Governments, FAL Contracting Governments and organizations concerned; and
  - .2 facilitation aspects of forms and certificates emanating from other activities of the Organization.
- \* 3 Implementation of uniform electronic messages for the arrival, stay and clearance of ships, persons and cargoes
- 4 Examination of elements of conventions, codes and recommendations of a facilitation nature elaborated by other organizations
- \* 5 Consideration and formulation of proposals for the general review of the FAL Convention or its Annex including harmonization with other relevant international instruments
- 6 Formalities connected with the arrival, stay and departure of ships, persons and cargo
- 7 Methods of handling cases involving inadequately documented passengers
- 8 Facilitation aspects of IMO's work on prevention and suppression of unlawful acts at sea and in ports
- 9 Facilitation aspects of measures to prevent and suppress illicit drug trafficking
- \* 10 Ship/port interface matters
- \* 11 Prevention and resolution of the stowaway issue

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\* The subjects marked with an asterisk are considered as high priority subjects.



**ANNEX 9****WORK PROGRAMME OF THE SPI WORKING GROUP**

		<b>Target Completion Date</b>
1	Updating of the bibliography (under the supervision of FAL)	Continuous
2	Availability of adequate tug assistance (under the supervision of MSC, MEPC and FAL)	2002
3	Development of a manual on loading and unloading of solid bulk cargoes for terminal representatives (under the supervision of MSC)	(to be advised by MSC)
4	Development of guidelines for the training of port marine personnel (under the supervision of MSC and FAL)	[2003]

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